The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

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

God of power and providence, we begin this week of work in the Senate with Your assurance: “I will not leave nor forsake you. Be strong and of good courage.”—Joshua 1:5-6.

You have chosen to be our God and elected us to be Your servants. You are the sovereign Lord of this Nation and have designated our country to be a land of righteousness, justice, and freedom. Your glory fills this historic Chamber.

Through Your grace, You never give up on us. With Your judgment, You hold us accountable to the absolutes of Your Ten Commandments. In Your mercy, You forgive us when we fail. By Your Spirit, You give us strength and courage.

You also call us to maintain unity in the midst of differing solutions to the problems that the Senators must address together. Guide their discussions and debates this week. When debate has ended and votes have been counted, enable the Senators to press on to the work ahead with unity. We pray this in our Lord’s name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Jon KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

Indivisible, with liberty and justice for all.

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

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

SCHEDULE
Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. with Senators DURBIN and THOMAS in control of the time.

Following morning business, the Senate will resume consideration of the Department of Defense authorization bill. By previous consent, at 3 p.m. Senators HATCH and KENNEDY will be recognized to offer their amendments regarding hate crimes. Those amendments will be debated simultaneously during today’s session.

When the Senate convenes on Tuesday, Senator DODD will offer his amendment to the Defense authorization bill regarding a Cuba commission.

Those votes, along with the vote on the Murray amendment regarding abortions, are scheduled to occur in a stacked series on Tuesday at 3:15 p.m. I thank my colleagues for their attention.

MORNING BUSINESS
The President pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the Democratic side under my control has morning business for the next hour, until 2 p.m. Is that correct?

The President pro tempore. The Senator is correct.

Mr. DURBIN. I thank the President very much.

COLOMBIAN DRUG TRADE
Mr. DURBIN. Mr. President, I come to the floor today having arrived back in the country in the early morning hours from a trip which I took to Colombia this weekend with Senator Jack REED of Rhode Island. I had never been to this country before. In fact, I had never been to South America. But I have come to understand, as most Americans do, that what is happening in that country thousands of miles away has a direct impact on the quality of life in America.

Senator REED and I spent a little over 2 days there in intense meetings with the President of Colombia, the Secretary of Defense, and the head of the national police. We met with human rights groups.

It is hard to imagine, but yesterday we were in the southern reaches of Colombia in a province known as Putumayo, which is the major cocaine-producing section of South America in Colombia.

It was a whirlwind visit but one that I think is timely, because there is a request by the Clinton administration to appropriate over $1 billion for what is known as “Plan Colombia.” Plan Colombia is an effort by the President of Colombia, Andres Pastrana, to try to take the control of his country away from the guerrillas and the right-wing terrorists and try to put an end to the narcotrafficking.

The narcotrafficking out of Colombia is primarily cocaine, but it includes heroin. It is now estimated that Colombia supplies 85 to 95 percent of the world’s supply of cocaine. How does that affect America? I think we all know very well how it affects America. In my home State of Illinois, the prison population has dramatically increased over the last few years at great cost to the taxpayers in an effort to reduce drug crime in the streets of my State. That story is repeated over and over in States across the Nation.

So what is happening in the jungles of Colombia in the cultivation of cocaine has a direct impact on the quality of life in America. That is why President Pastrana has called for a coordinated effort by the United States and the European powers as well to bring his country under control and to end the narcotrafficking. It hits quite a resounding note with most Americans.

Would you not imagine what it was like yesterday flying over the jungles of Colombia to look down from a Blackhawk helicopter as a Colombian general pointed out to me all of the coca fields that were under cultivation in the jungle.

If you take a step back, we now have the capacity by satellite to take photographs of Colombia, and we can actually pick out where the cocaine fields are located by satellite imagery. When they produce these maps, which I saw over the weekend, you can see provinces such as Putumayo that are virtually covered with cocaine production.

What is the cocaine production worth to the locals? Some estimate that a given hectare, or 2.2 acres roughly, can produce some 6.6 kilograms of cocaine during the course of a year. That involves about six harvests. A kilogram is a little over 2 pounds. So you are producing about 17 pounds of cocaine on each 1 of these hectares.

What is it worth to the local farmer? He receives about $900 for each kilogram. As you multiply it out, you realize it is a profitable undertaking for many.

Then if you want to understand the true value of the cocaine economics, consider that as it moves up the chain, it becomes more and more expensive. The guerrilla who takes the cocaine out of the fields from the landowner and the farmer is going to turn around and turn it into coca paste, a rough paste. It is now going to increase the value from $900 up to over $1,000.

The next move is to the trafficker who converts it into the white powder, and that will triple the value of it to some $3,000 for 2 pounds.

Now it is headed to the clandestine airstrip where it is going to be shipped to the United States, and in that process maybe go through Mexico, wherever it might be, on its way to the
United States. Now it is up from $3,000 to $7,500 for 2 pounds. Then it arrives on the streets of Washington, DC, where one can sell for $60,000–2 pounds of cocaine.

When you look at the economics, you can understand why, starting with the peasant farmer and moving up through the chains of guerrillas, traffickers, and exporters, there is so much money to be made that they are willing to take the risk.

The World Bank estimated last week that the drug trade in Colombia generates some $1 billion a year in revenue to the guerrillas. These are not people living off the land, as we understand guerrillas. These are the folks who are in the narcobusiness big time, and with this money they can afford to literally create towns, which they have done in some of the most remote jungle areas of Colombia, they created a city and a discotheque with the most sophisticated sound equipment in the world. It was raided, taken over, and closed down. But it shows you the capacity with the money they have.

The question before the United States is, What can we do to address this cultivation of cocaine, as well as the emergence of the guerrilla groups, as well as the right wing terrorist groups who have made extortion and kidnapping and narcodrug trafficking a matter of course in this Nation?

We try to develop these counternarcotic battalions in Colombia that we talk about, but they go after them and their narcotrafficking. I visited this camp known as Tres Esquinas yesterday and saw 2,000 young Colombians who are being trained to be better soldiers and will be able to fight.

We have a debate going on as to whether we will send them helicopters. It is a big investment. The Blackhawk helicopter, I am told, runs around $10 million, $11 million, $12 million per helicopter.

The so-called Huey helicopters, the older models, are slower, slightly less effective, but they are less expensive. But they don’t believe it is up to the task they need to do in Colombia. We will debate sending the helicopters to support those troops to go after the guerrillas.

Supporting this narcotrafficking that sends cocaine to the United States.

We are in this and we are in it big time. I came back from a meeting over the weekend, with the impression that we have to sit down at several levels and say these are the things on which we should insist. First, accountability from the Colombians. Any dollars sent by the United States need to be spent for good cause to put an end to this drug trafficking. We need to ask and demand of the Colombian military that they bring in more reform so that they will not go to the guerrilla side if the supply is down. Historically, the Colombian army, in many cases, has been in league with the people who are either on the guerrilla side or the right-wing terrorist side. That is changing. I am glad to see it is changing. The new General in charge, General Tapia, is bringing reform. It is a move in the right direction.

The so-called Leahy amendment, named after Senator PAT LEAHY of Vermont, says no money goes to Colombia unless their army shows progress on human rights. I think we should insist on that as part of any discussion.

In addition, we have to accept the reality that no plan is going to work in Colombia if we have to come back the next year and do it again. The farmer tries this one province, the square mileage of Colombia, that challenge. That has to be part of the program.

In addition, we need to discuss how we eliminate these coca plants. Now we are spraying them. It is called fumigation. This herbicide that is sprayed is roughly comparable to one that we are familiar with in America known as Roundup. It is a basic chemical. Once it hits the leaves of the coca plants, it destroys them. I met yesterday with some of the pilots who are on contract with the United States to destroy these coca plants. It is incredible that they can take the satellite imagery which tells them where the coca fields are, convert it through the global positioning systems coordinates, coordinates and can fly at night and spray this herbicide on the coca plants, killing them, by spraying within 12 inches. That is the accuracy of the spraying, even taking into consideration wind drift. They are fast at work trying to do this. Imagine a strip of land that is some 300 miles long and 3 miles wide.

That is what we are talking about in this one province, the square mileage of cocaine cultivation, how much spraying has to be done to kill the plants. Sometimes it will take two years to eliminate this, and do it again. The farmer tries to get around it again.

There is a lot to be done, a lot of investment to be made. Clearly, our point of view in the United States, this is something we should take seriously.

When we think of the impact of narcotics and drugs on America and what it means to the safety of each one of us in our homes and neighborhoods and communities, the fact that those who are drug addicts, desperate to buy this drug, will do virtually anything, commit any crime, in order to come up with the resources to feed their habit, we can understand why that drug com-
CONGRESSIONAL RECORD—SENATE

June 19, 2000

LITHUANIAN INDEPENDENCE

Mr. DURBIN. Mr. President, I am also concerned about another issue which has become very timely. It is related to recent statements by officials in Russia concerning Russia's view of the Baltic countries. I have a personal interest in this. My mother was born in Lithuania, an immigrant to the United States. Over the course of my public career, I have journeyed to the Baltic countries on several occasions and have witnessed the miracle of independence and democracy coming to Lithuania, Latvia, and Estonia. This was something that many of us had prayed for but never believed would happen in our lifetime: that the Soviet empire would come down and that these three countries, which had been subjugated to the Russians and Soviets in the early forties, would have a chance for their own independence and democracy.

In fact, I was able to be there on the day of the first democratic election in Lithuania. My mother was alive at the time, and she and I took great pride that the Lithuanian people had maintained their courage and dignity throughout the years of Soviet occupation and the chance to have their own country again.

I have met with the leaders of these countries. I am particularly close to the President of Lithuania, Valdas Adamkus. The story of Mr. Adamkus is amazing. He fought the Nazis in World War II and then fought the Soviets and finally decided he had to escape and came to the United States where he went to school and settled in Chicago, became an engineer, went to work for the Environmental Protection Agency, spent a lifetime of civil service, receiving awards from Presidents for his service to our country, and then at the time of his retirement announced that he was going to move back to Lithuania. Mr. Adamkus was elected President. When Mr. Adamkus came to me and suggested that I thought, well, it is a wonderful dream; surely, it is not going to happen. And he won, much to the surprise of everyone. He is currently the President of Lithuania; he is very popular. He believes, as I do, that the freedom in Lithuania, Latvia, and Estonia is something that we in the West must carefully guard.

Those of us who for 50 years protested the Soviet takeover of these countries cannot ignore the fact that they are still in a very vulnerable position. Not one of these countries has a standing army or anything like a missile arsenal or anything like a national defense. Yet they look across the borders to their neighbors in Russia and Belarus and see very highly armed situations—and in many cases very threatening.

That is why the recent statements by Vladimir Putin, the new President in Russia, are so threatening. According to the Washington Post on June 15, Russian President Vladimir Putin made a statement in which he said that fulfilling the aspirations of Estonia, Latvia, and Lithuania for NATO membership would be a redress act that removed a key buffer zone and posed a major strategic challenge to Moscow that could, in his words, “destabilize” Europe.

The Russian Foreign Ministry issued a statement on June 9 of this year that claimed that Lithuania's forceful annexation in 1940 was voluntary.

This is an outrageous rewrite of history. The Soviets were legendary for their rewrites. They would rewrite history and decide that, in fact, had developed an airplane first, an automobile first, all these affirmations, and Stalin was, in fact, a benevolent leader and was not a ruthless dictator. All of these revisions were used to scoff at the West.

We thought that the end of the Soviet empire would be the end of revisionist history. Unfortunately, Mr. Putin and his leadership in Moscow are starting to turn back to the same old ways. By the statements that they have made, they have said, if we went and invited the Baltic States into NATO, it would be an explicit threat to the sovereignty of Russia. And they also go on to say it could destabilize Europe.

Such a threat by the Russian Federation against security in Europe cannot go unchallenged, and that is why I come to the Senate floor today. It is incredible that the Russian President would continue to call the Baltic countries “buffer States” that presumably have no say in their own security in the future and could once again be subjugated with impunity. To suggest that the Baltic nations are somehow pawns to be moved back and forth across the board by leaders in Russia is totally dishonest as well. I am hopeful that the Russian Foreign Ministry could forget the secret Molotov-Ribbentrop pact that carved up Eastern Europe between Hitler and Stalin, that moment in time when the Nazis and Communists in Russia were in alliance, in league with one another, and through respective foreign ministers basically gave away countries.

At that moment in time, the Baltic States were annexed into the Soviet Union against their will, and for more than 50 years we in the United States protested that. It was the so-called Captive Nations Day we celebrated on Capitol Hill and across America to remember that those Baltic States and so many other countries were brought into the Soviet empire against their will. Somehow, Mr. Putin in this new century is suggesting that we did not understand history; the Baltic nations really wanted to be part of the Soviet Union. That is a ridiculous statement, and it defies history and defies the facts that everyone knows. It is beyond belief that the Russian Foreign Minister would claim that the Red Army troops occupying the Baltic countries in June of 1940 were not the reason that these countries so-called “joined” the Soviet Union. Listen to the statement by the Russian Foreign Minister.

The August 3, 1940 decision of USSR Supreme Soviet to admit Lithuania into the Soviet Union was preceded by corresponding decisions from the higher representative bodies of the Baltic States.

Therefore it would be wrong to interpret Lithuania's admission to the USSR as a result of the latter's unilateral actions. All assertions that Lithuanian was “occupied” and “annexed” by the Soviet Union and related claims of any kind of neglect, political, historical and legal realities therefore are groundless.

This is the statement by the Russian Foreign Minister.

Let me tell you, he not only ignores the history of 1940 which is very clear, but he ignores the fact that in 1991 the Russian Foreign Ministry entered into a treaty with Lithuania in which Russia explicitly admitted that the 1940
We stopped it—half a million of them—violent and mental illness, or children. In America who were, in fact, people some 500,000 people from buying guns in America, they are going to ask some questions: Do you have a history of drug problems in your membership in NATO, the Russian Foreign Minister and Russian President Putin come forward and say unacceptably, it would destabilize Europe; it would eliminate the so-called buffer States. They still very, very important as vassals, as pawns to be used. They will not acknowledge the sovereignty which should be acknowledged of these countries.

These disturbing statements show clearly why the Baltic countries must be admitted to NATO; that is, to show Russia and any neighboring country that it must give up its territorial ambitions against NATO membership for the Baltic countries, and it would make it critically clear that the West would never again accept “buffer State” subjugation of them. The idea that the three tiny Baltic States could threaten the enormous and powerful Russian Federation is laughable. If Russia has no design on the Baltic States, it has nothing to fear from their membership in NATO.

**VICTIMS OF GUN VIOLENCE**

Mr. DURBIN. Mr. President, I have spoken about the drug problems in America and this issue of foreign policy. But there is another issue which is a continuing concern across America. It is the fact that this Senate and Congress have failed to act on the problem in America of gun violence. It has been a little over a year since the Columbine tragedy, but all across America. They are kids who are playing their playmates. They are kids who commit suicide. They are kids who found if you could not manufacture these high-capacity ammo clips in the United States, you could import them from overseas. The third part of our gun safety legislation said we are going to close this loophole. If we really want to keep guns out of the hands of people who will misuse them, we need a background check at gun shows. That was part of our bill.

The second part of the bill related to a provision with which Senator KONI from Wisconsin came forward. It said if you sell a handgun in America, it should have a trigger lock. You have seen them. They look like little padlocks. You put them over the trigger so if a child gets his hands on a gun, he or she will not be able to pull the trigger.

Is this important? It is critically important. We read every day in the newspapers about kids being harmed, killing their playmates, and terrible things occurring when they find a handgun. It is naive for any gun owner to believe if they have a gun in the house, they can successfully hide a gun. Children are always going to find Christmas gifts and guns. We have to acknowledge that as parents. If they find Christmas gifts, it is disappointing. If they find guns, it can be tragic.

Those who say they will not have a gun in their house if they have little kids may not have peace of mind if they know their playmates’ parents own guns and do not have a trigger lock on them.

We said as a matter of standard safety in America, we want every handgun to be sold with a trigger lock. Is it an inconvenience for the gun owner? Yes, let’s concede that fact. Do we face inconveniences every day bringing safety to our country and to our lives? Of course we do. Have you gone through an airport lately? Did you have to put that purse or that briefcase on the conveyor belt and run it through the metal detector? It is inconvenient, isn’t it? It slowed you down, didn’t it? We all do it because we do not want terrorists on airplanes and we want to fly safely.

So the idea of a trigger lock on a handgun I do not believe is a major obstacle to gun ownership or using a gun safely and legally. That was the second part of the bill that passed and went over to the House of Representatives. The third part is one that is hardly arguable, and that is, we ban the domestic manufacture of high-capacity ammunition clips in this country, clips that can hold up to 100 or more bullets. The belief was nobody needed them. The only people who would need those would be the military or police. The average person has no need for them.

I said time and again that if a person needs an assault weapon or some sort of automatic weapon with a 100-round clip to shoot a deer, they ought to stick to fishing. Sadly, there are people who found if you could not manufacture these high-capacity ammo clips in the United States, you could import them from overseas. The third part of our gun safety legislation said we are going to stop the importation of high-capacity ammo clips which are designed to kill people. They have nothing to do with legitimate sports or hunting.

Three provisions: Background checks at gun shows, trigger locks on hand guns. The gun tragedy continues in America, and this Congress refuses to do anything. Many of us come to the floor of the Senate on a regular basis as a reminder to our colleagues in Congress that this issue will not go away because gun violence is not going away, and we need to do something to make America safer.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, the Democratic leadership in the Senate who supports this gun safety legislation will read some names into the RECORD of those who lost their lives to gun violence in the past year and will continue to do so every day.
The President reads the names of just some of the people killed by gunfire 1 year ago on the dates I mention. On June 19, 1999, these were the gun victims in just some of the States and some of the cities across America: Milton Coleman, 36, Gary, IN; Darnell Green, 28, Gary, IN; Ronald Hari, 25, Chicago, IL; David Jackson, 23, St. Louis, MO; Andre Johnson, 21, Detroit, MI; Elen Johnson, 19, Detroit, MI; Nakia Johnson, 22, Philadelphia, PA; Lewis Lackey, 47, Baltimore, MD; Malcolm Mitchell, Gary, IN; Mann Murphy, 76, Detroit, MI; Robert Rodriguez, 31, Houston TX; Donnell Roland, 20, Kansas City, MO; Denise Wojciechowski, 33, Chicago, IL; an unidentified male, another unidentified male, 53, Nashville, TN; another unidentified male, 19, Newark, NJ.

In addition, since the Senate was not in session on June 17 or June 18, I ask unanimous consent that the names of those who were killed by gunfire last year on June 17 and June 18 be printed in the RECORD.

                                                                                                  JUNE 17
Donald R. Gauldin, Pine Bluff, AR; Phillip Martello, 18, New Orleans, LA; Lee Martindale, 14, St. Louis, MO; Marcus D. Miller, 18, Chicago, IL; Larry Mitchell, 19, Dallas, TX; Raymond Reed, 71, Charleston, SC; Molly Roberts, 15, Houston, TX; Norberto Rodriguez, 26, San Antonio, TX; Phillip M. Spears, 51, Houston, TX; and Tony Williams, 19, Chicago, IL.

                                                                                                  JUNE 18
Warren Cunningham, 33, Charlotte, NC; Barron Howe, 31, Washington, DC; Daniel Metcalf, 31, Washington, DC; Tony Maise, Detroit, MI; Adam Newton, 36, Oklahoma City, OK; Nysia Reese, 15, Philadelphia, PA; Jeffrey Rhoads, 37, York, PA; Courtney Robinson, 20, Dallas, TX; Debra Rogers, 45, Dallas, TX; and Damion Santos, 20, Bridgeport, CT.

Mr. DURBIN. Mr. President, the reason these names are being read is to share with my colleagues in the Senate the fact that this is not just another issue. The issue of gun safety and gun violence in America is an ongoing tragedy, a tragedy which we will read about in tomorrow morning’s paper and the next morning’s paper and every day thereafter until we in this country come forward with a sensible gun safety policy to keep guns out of the hands of those who misuse them.

I have seen the National Rifle Association, Mr. Heston, and all of his claims about second amendment rights to the ownership of guns. I believe people have a right to own guns, so long as they do so safely and legally, but I do not believe there is a single right under our Constitution—not one—that does not carry with it a responsibility.

There is a responsibility on the part of gun owners across America to buy their guns in a way that will keep guns out of the hands of those who would misuse them and to store their guns in a way so they are safely away from children who would use guns and hurt themselves and others, and not to demand guns in America that have no legitimate sport, hunting, or self-defense purpose.

Most Americans agree with what I have just said. I think it is a majority opinion in this country. It is clearly not the feeling of the Republican leadership in the Senate and the House of Representatives. They have continued to bottle up this legislation which would move us closer to the day when we have a safer society and when families and communities across America can begin to believe that the crime statistics and gun statistics about which we are reading are continuing to go down and not up.

SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, the last item I want to address today is relative to a suggestion by the Vice President of the United States to create what is known as a Medicare mailbox. There have been many suggestions made during the course of this Presidential campaign about Social Security and Medicare. It is no surprise. There are hardly any programs in Washington, DC, that affect so many people and affect the quality of life of so many families across America. I am proud to be a member of the Democratic Party which, under Franklin Roosevelt, created Social Security.

We took a group of Americans—our public benefactors, the seniors—in America, who were literally one of the most impoverished classes in our society—and said: With Social Security, we will create for you a safety net. With this safety net, when you go into retirement in your senior years, you are going to have some peace of mind that you will not be destitute and poor and have to depend on your children for your livelihood.

Social Security has worked. It has now become a very bipartisan program. Democrats, Republicans, and Independents alike understand that this safety net for seniors and for disabled people in our country really makes America a better place.

In the 1960s, President Lyndon Johnson—another Democrat—came up with the idea of Medicare. It was not a new one. President Truman had proposed some version of it earlier, and others had talked about it. President Johnson, with his legislative skill, was able to pass Medicare.

In Medicare, we said we would create for America a health insurance program for the elderly. This again was considered socialistic, radical, by its critics. They said America does not need this, that everything will be just fine.

Yet we see what has happened since we introduced and passed the Medicare program. Seniors are living longer. They are more independent. They are healthier. They are active. They are leading great lives because of the combination of Social Security and Medicare.

Many of us want to take care that in the midst of any Presidential debate about these two programs, we do not go on any risky escapade that could endanger the life of these programs. There are too many people who depend on them; and not just the seniors, but their children who expect Social Security and Medicare to be there.

George Bush, the Governor of Texas, and soon to be the Republican nominee for President, has proposed changing the Social Security system so that there could be a private investment factor so that individuals could direct the investment of some of their Social Security funds into private investments.

On its face, a lot of people who own stocks and mutual funds across America would say: Goodness, that gives me a chance to increase the amount of money I can put into these types of investments. Perhaps if the stock market continues to do well, I will profit from it. It is a surface reaction you might expect that is positive among some American families. But the real issue is, how would we come up with the same level of protection in Social Security if we started taking money out and letting people direct it as they care to in their own private investments?

Social Security is a pay-as-you-go program. The amount of money we collect in the payroll taxes goes out to pay today’s seniors. When I become a senior citizen, eligible for Social Security, that money will be put into the retirements of those who will come after me. We do not pay taxes on the payroll tax that is collected from them.

A pay-as-you-go system. If at any point in time you want to remove some 2 percent, or whatever the number might be, of the money that workers are paying into Social Security, it has a direct impact on today’s seniors because they do not have the pool of money coming in to sustain today’s Social Security needs.

So when there is a proposal made to cut back the amount of contribution by the individual to give them 2 percent of whatever it might be for their own self-directed investment, the obvious question is, Who will pay it? Who will pick up the difference?
The basic Social Security benefit is pretty modest across America, but it is important. For workers with a history of average earnings who retired in 1999 at age 62—most people retire before they reach the age of 62, incidentally—their monthly benefit is $825. For the lower earner, the benefit is $501 a month. Over 21 percent of the most modest amount. Social Security is the major source of retirement income—50 percent or more—for 63 percent of the older population.

The whole point of having Social Security is to provide workers with a predictable retirement benefit.

Mr. Bush’s plan affects these basic retirement benefits in two ways.

First, the program has a long-term deficit of about 2 percent of payroll. The deficit isn’t Governor Bush’s creation, by any means. It confronts anybody attempting to reform the system. But Governor Bush’s proposal makes the problem worse by pledging not to add any new money to the Social Security system.

Vice President Gore has said, let’s take the surplus and pay down the national debt by paying off the internal debt of Social Security and Medicare. We collect $1 billion in taxes a day from businesses, families, and individuals to pay interest on our national debt.

I think the most responsible thing we can do, in a time of surplus, is to take the extra dollars and reduce that debt and reduce the interest we pay and our children will pay for things we did many years ago. I know that is conservative. It isn’t as flashy as proposing tax cuts. But I think it is sound. The deficit isn’t Governor Bush’s creation, by any means. It confronts anybody attempting to reform the system. But Governor Bush’s proposal makes the problem worse by pledging not to add any new money to the Social Security system.

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to get their meals. They really look forward to seeing the volunteer and the van coming to their door. Here is another story about an Arkansas senior. Mr. Black is 71 years old and lives alone in an old farmhouse in an isolated, rural area in Van Buren County. In the winter you can feel the wind howl through the house and in the summer the heat is unbearable. Mr. Black does not have any immediate family to check on him. He only has a microwave to cook in. He lives on a fixed income and has no transportation to get to town to purchase groceries on a regular basis.

Mr. Black said this about the home delivered meals he receives, “They help me out a lot. The meals are better than the food I can buy. I can’t buy much on a fixed income.” Mr. Black has told his case manager seniors who need additional assistance that he does not know what he would do without the meals. It is a real hardship on him if he misses his home delivered meals. One week he missed all of his home delivered meals because of the door was broken and his children are very difficult for him to buy food and prepare meals that week. He just went without.

The Title V senior employment program is one of the best kept secrets in the country. Through this funding mechanism, older Americans who want to work can go to a senior employment agency in their community and learn of available job opportunities.

No matter what type of training seniors need to fill these jobs, training is made available to them. For example, if seniors need training to work in a modern office environment, they learn how to surf the internet, use computers and send faxes. Nationally, over 61,000 seniors a year are employed through senior job programs.

Some of Arkansas’s finest employment programs for seniors are operated by Green Thumb and other outstanding Area Agencies on Aging. I have met many older workers and listened to them talk with enthusiasm about their jobs. I only hope that when I’m 75, 80, or 85 I will have half of their energy and zest for life!

The senior employment program is a win-win proposition for both sides. Low-income seniors who need additional income to supplement their Social Security checks have an opportunity to find a job placement and any necessary training through a Title V contractor. This not only generates additional income for seniors but a sense of purpose and a chance to stay engaged in their community and make a contribution—something we all want to feel, and that is needed.

The community and employers benefit by hiring honest, loyal and dependable persons who are committed to showing up for work every day and doing a good job. Especially in boom ing economic times when the job market is tight, seniors can fill jobs that employers otherwise might not be able to fill. The senior employment program is a proactive sense. It also provides for the workers: the quality and guidance of seniors who exemplify a tremendous work ethic and bring a lot to the workplace.

Here is a remarkable story of a woman from Texarkana, AR, whose life was transformed by the Green Thumb program. Olla Mae Germany came to the Green Thumb program at the age of 65. She had been a victim of domestic violence. She had never worked, could barely read and had walked to the interview. She told the coordinator that she was “dumb, stupid, ugly, ignorant, and no one cared about her.” During that meeting she also shared her hopes for the future—she wanted to learn a trade, achieve a GED, gain clerical and computer skills, and get a job.

Ms. Germany was assigned to the Literacy Council in Texarkana. Her job entailed clerical duties and literacy training. After receiving her first pay check, Germany told her children that she bought a new outfit for work and had her hair styled professionally for the first time in her life. She was especially pleased that the people in her office noticed her appearance and told her she looked pretty. With increased self-esteem she became more confident in her abilities. Only 24 weeks after her Green Thumb enrollment, Ms. Germany learned to read and significantly improved her office skills. She began making public speeches on behalf of the local literacy council.

Today, Ms. Germany continues to work toward self-sufficiency. She has a new job with a Texarkana agency that promotes neighborhood revitalization and economic development. She is learning new technology skills. She is also studying for her GED. Recently, Ms. Germany was able to buy her very first car, thanks to the money she has earned from her jobs. With new marketable skills, a confident self-image and dependable transportation, Ms. Germany is well on her way toward achieving her goals for a brighter future and making a contribution to her community.

I know Democrats and Republicans on the Special Committee on Aging disagree over the allocation of Title V monies. I think groups like Green Thumb have proven their ability to train and place older workers successfully in the community and I urge my colleagues to allow the national Title V grantees to continue receiving a majority of Title V funds.

The reauthorization of the Older Americans Act will also include a new authorization for the National Family Caregiver Support Program. I am an original co-sponsor of this bill in the Senate because I believe that our country needs to find a better way to support family members who serve as caregivers. No one wants to leave their home just because they are aging and/or disabled. The inclusion of a National Family Caregiver Support Program is forward thinking and family friendly. Baby boomers need support to care for their family members and it is high time that we provide Federal leadership in this area of home care.

Finally, the other program I will focus on is the Social Services Block Grant, better known by its acronym SSBG. States use SSBG funds to support programs for both at-risk children and seniors. In Arkansas, a significant portion of SSBG funds are used to support and operate senior centers, to provide Meals on Wheels for frail, home-bound elderly, and to provide transportation for seniors, especially those living in rural areas.

Over the past five years, Congress has cut SSBG funds by $1 billion.

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. We are operating under a consent agreement with the Republican side.

Mrs. LINCOLN. Perhaps the chairman of the Aging Committee will allow me 5 additional minutes.

Mr. GRASSLEY. I ask unanimous consent that we extend for our side as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican side will have 5 additional minutes, and the Democratic side will have 5 additional minutes.

Mrs. LINCOLN. This year alone, the Senate Labor-HHS Subcommittee on Appropriations cut SSBG by $1.1 billion. This translates into a cut of nearly two-thirds. Arkansas will lose over $11 million in FY 2001. This draconian cut comes on the heels of a $334 million cut in FY 2000 in which Arkansas lost $1.3 million.

What does this dramatic funding loss mean to senior services in my home state? Because Arkansas spends a majority of its SSBG funds on senior services, 40 senior centers around the state may have to shut down or dramatically reduce operating hours. In addition to providing social activities and hot, nutritious meals to seniors, senior centers also provide seniors with rides to the doctor’s office, the pharmacy and grocery stores. As one Area Agency on Aging administrator in Malvern, Arkansas told me, “for many of our seniors, the senior center is their lifeline. It provides them with a reason to get up in the morning.”

I would like to read to you what a social services case manager sent me about an aging client in northwest Arkansas.

When Delbert was in his early 50’s he suffered a stroke that left him with paralysis on the left side and confined to a wheelchair. He
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Mr. GRASSLEY. Mr. President, I have come to the floor to speak as a member of the Judiciary Committee, but I will back up the Senator from Arkansas on one very key point that I hope can happen in this Congress. I urge, as she has done, that a bill to reauthorize the Older Americans Act come to the floor of the Senate because it has been so long since that law has been reauthorized on a permanent basis. I understand it has been reauthorized on a year-to-year basis, but on a permanent basis as it ought to be, or at least for a multiyear basis. So I urge that action to be taken at this particular time.

INTERNET MEDICAL PRIVACY

Mr. GRASSLEY. Mr. President, I come to the floor to speak on the subject of technology. The message on technology is very simple. Technology is moving fast, but somehow Congress does not pass laws that keep up with the technology. I wish to state the proposition that, from the standpoint of the right to privacy, our laws cannot be left behind. Every day, more and more Americans are waking up to what technology can do to improve their lives. Thanks to the personal information that the American people in the technology sector, we live in an amazing time. Congress didn’t bring about this revolution, and Congress should not do anything to impede the rapid changes taking place in technology.

However, one of the main threats to the growth of electronic commerce is the risk of a massive erosion of privacy. While the Internet offers tremendous benefits, it also comes with the potential for harm. If we lack confidence that our privacy will be protected online, we won’t take full advantage of what the Internet has to offer. The Judiciary Committee is now considering a bill to protect the privacy of Internet users. I want to focus on one particular issue, and that is maintaining privacy of personal health information obtained by web sites.

I happen to believe, as a matter of basic principle, that what goes on with respect to my health is very personal, and nobody else should know that without my permission. So I am pleased to join my colleague from New Jersey, Senator TORRICELLI, in cosponsoring an amendment on this issue before the Judiciary Committee. I think it will be up this week, on Thursday.

The amendment Senator TORRICELLI and I plan to sponsor will give citizens a chance to control information that they might provide while surfing the web. None of that will be passed on to others without their explicit permission. Our amendment simply provides that a commercial web site operator must obtain permission from a person before sending the information to another entity. In addition, it would require that individuals be told to whom their medical information will be released if permission is given.

I know to people watching this sounds like a pretty simple, common-sense thing, that there would be no dispute and it ought to be part of the laws of our country under our Constitution. But personal information not be sold or used by anybody else without the personal permission of the person who that medical information is about. It sounds pretty simple that it ought to be part of our law. It appears to be such common sense that maybe we should not even have to deal with that; it is just common sense that nobody else should profit from your personal information without telling you about it and showing your permission. It is only fair—and it is only fair to myself and to Senator TORRICELLI—to put that burden on the web site operator and on not to the consumer. Medical information can be a highly personal, and consumers face serious risk if it becomes a public commodity that can be bought and sold without the individual’s consent. If that is allowed, then we are all at risk.

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The irony of the situation is that these draconian cuts to SSBG come at a time when our budget is experiencing unprecedented surpluses. That is why I respectfully disagree with some of my colleagues who support these crippling SSBG funding cuts. They argue that Governors are spending most of their tobacco settlement funds, but I think this is unrealistic. They argue that colleagues who support these crippling SSBG funding cuts. They argue that States are already scaling back con-
As far as your own personal information being a public commodity that can be sold—indeed the fact that it shouldn’t be done without your permission, not only to protect your privacy but you ought to know about the information being disseminated and to whom it is going, it is also the fact that personal health information, if it is a commodity, is under your personal, private property rights, and they ought to be protected just as personal property rights are protected under our Constitution.

The Department of Health and Human Services is working on regulations to finalize medical privacy rules this summer. I understand that for the most part those rules would set up a mechanism so individuals would have to opt into the procedure of giving permission for it, having this amendment not to be disseminated—opting in meaning that you have to actually say, I give permission for my medical information to be used in such a way, as opposed to kind of an opt-out situation where your personal medical information will be disseminated unless you say it can’t be disseminated. From that standpoint, the Department of Health and Human Services rules, which they say will actually come out this way, will be in agreement with the goals of our amendment. I see the need to allow the process in the Department of Health and Human Services to finish.

The current draft of our amendment explicitly will not interfere with those rules and the rulemaking process now going on, and it also does not apply to entities subject to those proposed rules, such as health plans and providers.

Our amendment gets at those commercial health web sites to which the protections of Health and Human Services rules will not apply. But having said that, our amendment is pending.

Having made clear that our amendment does not interfere with the Department of Health and Human Services rules making now going on, I want to put President Clinton on notice, if it turns out that the final Health and Human Services rules are inadequate from the standpoint of protecting the personal privacy of health information of individuals, we certainly will vote against those rules. In the bill as a placeholder will provide those of us in Congress who are concerned about this issue of privacy of medical health information a vehicle to strengthen the HHS rules legislatively in the future if necessary. There should be ample time for that because realistically we all know that more work will have to be done on Internet privacy before final enactment.

Senator Torricelli and I are open to ideas to improve that or any other enactment. But let me make clear that I am adamantly on the point that people should have a basic right to control their medical information, and to control it from the standpoint of making a separate individual decision as to whether that information can be disseminated. I believe that view is very clearly stated in the committee report. We should protect citizens’ most confidential information from those who misuse it. I suppose there is a lot of confidential information other than just medical information about an individual that we ought to be concerned about. But I can’t think of anything more personal or that could be more destructive to the individual than medical information.

We should also arm our citizens to make a thoughtful and informed decision on how their health information will be used—even educating them about the possibility that because they use the Internet certain health information can be disseminated. I am not so sure that we don’t take the use of the Internet and technology so much for granted today that we often don’t think about what we are doing and what we are putting into the hands of ourselves, and who might be making use of that. It is important for us to be informed about the possibilities. Once we have done that, I think the American people can be assured that they can go online without having surrendered their privacy rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

SECURITY BREACHES AT NATIONAL LABS

Mr. KYL. Mr. President, one of the reasons we have time today is to discuss the breach of security at the National Laboratories. I want to address that subject for a moment this afternoon.

We are all aware of what happened in the last couple of weeks regarding the lost computer disks at the Los Alamos National Lab and the news that those disks have now been found. But the questions remain about what happened to them during the time they were gone—whether or not they were copied and whether or not in any event our National Laboratories are, in fact, secure.

Let me go back in time to about a year ago when we were debating the Defense authorization bill of last year. One of the portions of that bill was an amendment to which I offered, along with Senators DOMENICI and MURkowski, to create a new semiautonomous agency at the Department of Energy, the Department of Energy Reorganization Act. That was in response to the recommendation of one of the President’s own commissions, a group called the President’s Foreign Intelligence Advisory Board, or the so-called PFIAB Act.

Former Senator Rudman chaired the President’s Foreign Intelligence Advisory Board and made some recommendations concerning the creation of this semiautonomous agency in response to the effect of the theft of some of our most sensitive nuclear secrets from the Los Alamos Lab a few years ago.

We discovered that the Chinese Government had possession of what were, in effect, the blueprints for some of our Nation’s most sophisticated nuclear weapons ever built. We didn’t know how those blueprints were obtained by the Chinese Government, but we believe they had to have been obtained from the Los Alamos nuclear lab. We determined that we needed to make some changes in security practices at the laboratory.

It was believed that a scientist there by the name of Wen Ho Lee had taken charge of these documents and had somehow gotten them to someone representing the Chinese Government—a matter that has not yet been proven. We wanted to get to the bottom of it, and to make sure there would never again be a security breach at our National Laboratories.

By way of background, these National Laboratories, two of them—Lawrence Livermore and Los Alamos—are technically run by the University of California at Berkeley. But they do their weapons work under the auspices of the Department of Energy.

The PFIAB reports found that the culture of the laboratories to promote good science and develop all of these new technologies relating to nuclear weapons was such that it would be very difficult to reform from within, for either the Department of Energy or the laboratories themselves to put into place the security measures necessary to protect these secrets.

As a result, the Foreign Intelligence Advisory Board recommended the creation of an autonomous agency, totally separate and apart from the Department of Energy, under which this work is done, or, at a minimum, the creation of a semiautonomous agency within the Department of Energy for this weapons work to be done. Some called it a stovepipe; in other words, an organization within the Department of Energy that was totally enclosed, that would be run by an Under Secretary, and would be very much focused on security at the labs.

The Secretary of Energy, Bill Richardson, didn’t like this idea. He wanted to remain in charge. On the debate just about a year ago, my colleagues on both the Democrat and Republican sides of the aisle concluded that the
President's own Foreign Intelligence Advisory Board was correct, that we should not give it autonomy and take that out of the Secretary's direct control. The Secretary was so much opposed, he tried to get the President to veto the bill over that, because we passed it in the Senate and the House of Representatives. So, it became part of the Defense authorization bill for last year. The President signed the bill, and it became the law.

The Secretary continued to fight it, maintaining he should maintain the jurisdiction over this nuclear weapons program, that he could do the job. As a result, the President did not send up the name of this Under Secretary to head this new, semiautonomous agency, and Secretary Richardson did not implement the new law. He did virtually nothing to see that the new law was put into place. He kept maintaining that he was in charge, and that so long as there was no Under Secretary, he would still personally be in charge.

In fact, he testified last October before the Congress that he would remain in charge until a new person was put in charge. He specifically said: The buck stops with me. He said: The President has asked me to remain in charge until there is a new Under Secretary, and the President will hold me accountable, and I intend to be held accountable.

Senator FITZGERALD asked him a specific question as he said: The buck stops with me. Senator FITZGERALD asked the Secretary: If, God forbid, there should be a security breach at one of the laboratories, you would assume the responsibility, is that correct? And Secretary Richardson said: Yes, I will assume full responsibility.

Now, that was then and this is now. We know there was not an Under Secretary. Secretary Richardson continued to maintain control over the situation, to take the responsibility for it, to assure the American people that our weapons labs were safe and secure. In fact, he said last year: I can assure the American people that our nuclear laboratories are safe and secure. Because he was in charge.

But what we now know is this past April and May, or presumably during that period, sometime in April, at the Los Alamos Nuclear Laboratory, two hard drive disks containing some very sensitive information relating to both U.S. and other countries' nuclear weapons were taken from the vault, from a portio of Division X of the nuclear weapons program at Los Alamos. They were missing. They were missing for several weeks. They were believed to have been found in the last few days behind a copyp machine in Division X. But the FBI has not yet disclosed its findings with respect to how the disks were removed, how they were returned, and what might have happened to them in the interim.

The Secretary said he believes an employee was trying to cover up the fact that he had the disks and that they were not copied. The fact is there is no evidence either way. It is very difficult for the FBI to determine whether or not these hard drive disks were, in fact, copied. We may know more about that in the next several days. Whether they were, whether someone else has that sensitive information or not, there was still a significant security breach and lapse at the laboratories, revealing that they are still not safe and secure; there are still problems. We have to figure out what to do about it.

What would happen if that information had been obtained by someone else? In addition to telling that person or country a lot about our nuclear weapons, and therefore, a weapon that would have provided an opportunity for them to understand how to dismantle or disable a nuclear weapon because these disks were in the possession of the team we have put in charge of dismantling a terrorist nuclear weapon. There is a special kit prepared, and these disks are part of that kit. If we find that there is a nuclear device somewhere in the country, these experts will immediately take that kit to the site and begin to try to dismantle the weapon. The hard drives contain information which is helpful to them in determining how to dismantle the weapon. Obviously, if you have that, you have some ideas about how to prevent the dismantling and how to boobytrap it if you are a terrorist. It is an important piece of information.

What happened from the time Secretary Richardson maintained he was in charge until now?

Finally, last month, the President sent up the name of Gen. John Gordon to become the Under Secretary and head up this agency. But the Senate still hadn't confirmed General Gordon until last month. Why? Because Democrats were still trying to change the underlying law, at Secretary Richardson's request.

A member of the Senate minority had held up the confirmation vote on General Gordon for several weeks, almost a month, trying to get us to make changes in the law that were acceptable to Secretary Richardson. It wasn't until the embarrassment of last week that they finally agreed to have a vote. Of course, when we took the vote, his confirmation was approved 97–0. Presumably, he is on the job as of today. I have a great deal of confidence in General Gordon, if Secretary Richardson will allow him to do his job. That remains the question.

I summarize in the following way: It is clear that President Bush may have put into place protections that will prevent further security breaches at our national labs. I believe Secretary Richardson should step down from his position for two reasons. First, it was his choice to maintain personal responsibility over this for the last year. We afforded him the opportunity to do that, to be in charge. At one point I said to him: Mr. Secretary, cooperate with us. Let's get an Under Secretary nominated and put into place and let that expert run this semiautonomous agency and give him the responsibility for this. Secretary Richardson, in effect, said: No, I will remain personally responsible because I want to do it my way.

Because he wanted to take personal responsibility, contrary to the law that had been then signed by the President, and because he said he would accept full responsibility, it seems to me we should now take him at his word and allow him to assume full responsibility by taking the blame, rather than passing it on to other people.

The second reason he should step down is that I don't have confidence in him allowing General Gordon to do the job even now. He has "dual-hatted" several employees in the Department of Energy, asking that current people be allowed to fill positions we created under this new law, positions we intended to be part of this separate, semiautonomous agency. It would allow General Gordon to bring his own team, or allow him to do the job as he sees fit, or whether Secretary Richardson will continue to maintain the fixation for personal control of the situation. I have no confidence in that. I call for him to step down and allow General Gordon to do the job. That is what the law provides. That is why the President signed the law. I think the American people want to know that our nuclear weapons labs will be secure. This is the only way they will be secure.

Finally, I heard a colleague on television yesterday say, back in his day, President Bush might have put into place some of the security procedures at the laboratories, as if somehow that had something to do with what has recently occurred. The point is this: If Secretary Richardson is in charge, then he had the full authority to change anything he didn't like, including any directives President Bush may have put into place. But Secretary Richardson's bent is to blame
other people rather than accept the responsibility himself. So if he thought there was something wrong with the way President Bush did it, he could have corrected it since. Remember, he was in charge.

My purpose here is not just to point the finger at Secretary Richardson for political purposes but to say that until he steps aside, I don't have any confidence the situation is going to get any better because he has had a year now to correct the situation, and all he has found time to do is to criticize others when he himself had accepted the responsibility.

I am hoping, A, that the FBI will in the next few days get to the bottom of it, tell us exactly what occurred, and hopefully be able to assure us that no secrets have gone to an unauthorized party; B, that the people responsible for the breach in security will be found and will be properly punished; and, C, that General Gordon will be allowed to do his job, as Senator Rudman's commission, the President's advisory commission, and the Congress hoped when we passed the legislation creating his position and this new semiautonomous agency.

The American people deserve to know that our most important nuclear secrets can be kept safe and secure. Especially with the terrorist threat that confronts this country, we need to know we can disarm a terrorist nuclear weapon if we should ever be faced with that particular kind of threat. We need to know our ability to do it has not been compromised.

For that reason, I hope that the Secretary will step down, that General Gordon will be able to do his job, and that from now on our nuclear laboratories can operate in a way that protects the information they have been able to develop over these many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

LEGISLATIVE AND EXECUTIVE RELATIONS

Mr. THOMAS. Mr. President, I think particularly the Senator from Arizona for his very thorough and accurate description of where we are and where we have been in terms of our nuclear security, in terms specifically of the Los Alamos matter, and more importantly, of course, where we are in terms of overall security, which has to be one of the most important things this Government is responsible for. The President is probably one of the more knowledgeable Members in terms of the military, in terms of intelligence, so I appreciate that very much.

Unfortunately, we have been through this now several times, the matter of having a system upon which we could rely for the security of our nuclear arsenal and secure military information. And even though this is a very trying thing we are involved in now, really the overall system is what is worrisome. If we are having these kinds of difficulties at Los Alamos—there are a number of places in this country where, of course, we are required to have security—and if we have that notion that there is no more security in this country than Wal-Mart, then we have to wonder, of course, about the other facilities in this country which require the same kind of security.

I believe, as the Senator mentioned, the real issue is that we went through this breach in security this year. What I happen to be on the Energy Committee in which we listened to this a great many times; we listened to the Wen Ho Lee question, and we heard from the Secretary that now we were going to take care of this issue and now you could rest assured we would have security.

The fact is we do not. The fact is that apparently there are some very simple kinds of things that could be done that would have alleviated this problem. It is difficult to understand that in a place such as Los Alamos, where you have secure storage for this kind of information, as someone said, you have less security than Wal-Mart in terms of checking in and out. That is really very scary.

So my point is that we really have to take a long look at the system. As the Senator pointed out, Congress established a while back a semiautonomous unit that was to have responsibility for nuclear security. The Secretary did not approve of that. The President, despite the fact that he signed it, did not approve it either, and therefore it was never inaugurated; it was never put into place. That raises another issue, of course, the question of control, and that is that this administration has sort of had the notion that, if we don't agree with what the Congress has done, we simply won't do it, or, if we don't agree with what the Congress has done, we will go ahead and do it.

That is really troublesome to me in that one of the real benefits of freedom, one of the real benefits of the operation of this country over the years, has been the division of power, the constitutional division among the legislative, the executive, and the judiciary. It is so vital, and we need to retain it. We find increasing evidence of the fact that some of it, of course, is in the closing chapters of this administration, but they are determined that if they don't happen to like what the Congress has done or can do something that Congress will not accept, they go ahead and do it. This is not right. This is very really scary.

We have, as you all know, a great many young people who come to visit the Senate, come to visit their Capitol, and I am delighted that they do. People want to see all the buildings, and they want to see the people who are currently filling these offices and in the White House. But the fact is that the Constitution is really the basis for our freedom. That is what other countries do not have, a Constitution and a rule of law to carry it out.

So when we threaten the division of power, that is worrisome, and I think we have the great responsibility to make sure that that does not in fact happen. In this instance, I think we have had a pretty patent rejection of the things the Congress has done and powerful things that have not, indeed, ever been implemented.

There are a number of important matters, of course, that are before us as we enter into what are almost the closing months of this Congress. We have accomplished a number of things that are very useful; we have some tax reform, some welfare reform; we have done some things for the military, to strengthen it. There are a number of items, of course, yet to be done.

One of them, of course, that is imperative is the passage of appropriations, all of which have to be done before the end of September, which is the end of the fiscal year. One of the scary things for the Congress, I believe, again, with the sort of contest sometimes with the executive branch, is if we do not finish these things in time, the President would threaten, of course, as he did before, to shut down the Government and blame the Congress for doing that and use the leverage for the budget to be quite different from what the Congress would like it to be. Therefore, we need to move forward.

I was in Wyoming this weekend, as I am nearly every weekend. There is a good deal of concern about regulatory reform, the idea that first of all, we have probably excessive regulation in many places. One of the most current examples, I believe, might be in the area of the price of gasoline where, without much consideration of where we were going and its result, we have had more regulations to control diesel fuel and gasoline, which is at least a part of the reason that gas prices are as high as they are, the lack of a policy in energy. We have allowed ourselves to become overly dependent on OPEC and the rest of the world by limiting or restricting, through regulation, our access to energy that could be produced in the United States so at least we
were not 60-percent dependent, as we soon will be, on overseas production.

The people the things with which we ought to be dealing in terms of exces-

sive regulation.

One of the ways to fix that is to have a system whereby once the laws are passed by the legislature and are im-

plemeted through legislative and executive branch

through regulation, those regulations should come back to the legislative body to ensure the thrust of the legis-

lative body is reflected in the regulations.

This happens in most States. Most State legislators have an opportunity to look at the regulations once they have been drafted to ensure it reflects the intent of the legislation.

We passed a law in 1996 to do that. Unfortunately, it has not worked. We have had 12,000 regulations. Very few have changes. We have had to go through the process of having federal regulations go through OMB to be scanned out, first of all. I believe there has been some effort to change five of them, but none of have been changed because the system does not work.

I introduced a bill 3 weeks ago that will give us an opportunity to look at the regulations and accept the responsi-

bility that a legislature has to oversee the implementation of regulations to ensure the laws are carried out properly.

We have a responsibility for energy policy. I mentioned that. This adminis-

tration does not have an energy policy. We have not dealt with the question of how to encourage and, indeed, should we encourage the production of domes-

tic petroleum. We have great petroleum reserves in the West and in ANWR. Better ways of exploring and producing resources that are more pro-

tective of the environment are being developed. We have a policy but we do not have a policy to do that. We find ourselves at the mercy of OPEC.

We have to deal with the question of coal production. There are ways in which we can use that resource and make it more environmentally friend-

ly. We have to recognize that is a main source of electric production as we find ourselves using more and more elec-

tricity and our generating capacity is not growing, partly because of a lack of an energy policy. Interestingly enough, the pure attitude is that the Federal Government also is in the Energy Department. So the Senator’s suggestion that per-

haps we have some changes there may apply to some other issues as well.

Many of us are very interested in public land management. In the West, in my State, 50 percent of the State belongs to the Federal Government. In most States in the West, it is even higher than that. Nevada is nearly 90 percent federally owned.

The people who live there need a way with which to deal with the question of public land management. I happen to be chairman of the Subcommittee on National Parks. Clearly, the goal is to maintain those resources. They are great natural resources. They are na-

tional treasures.

At the same time, as we maintain those facilities and resources they ought to be available to their owners—the taxpayers—to visit. This adminis-

tration is seeking to limit access in a number of ways, such as a nationwide rule automatically designating 40 mil-

lion acres roadless. I have no objection to looking at roadless areas. We have roadless areas, and we ought to manage those. It ought to be done on the basis of forest plans for each individual forest instead of one plan.

I see the Forest Service is proud of all the meetings they have been having to have input. I attended some of those meetings. The fact is, people have very little information available to them or they can to the meetings and cannot respond. Sometimes they are not asked to respond but only to listen to a broad description of where it is going.

There was great discussion in the House about the Antiquities Act which is an old law. Theodore Roosevelt used it years ago. Most of us have no prob-

lem with the concept that the President can, through Executive order, change their lands and change their designation. This is limitless and has been used more over the last few months by this administration than at any time in memory without involve-

ment of the local people.

All these things go together. Now we are faced with a proposition to take $1 billion a year to acquire more Federal land without any recognition of the fact that the States in the West are already heavily federally owned.

These are some issues about which we need to be talking. My friend on the other side of the aisle has recognized that that is an important issue. We ought to be talking about the Antiquities Act. He was very critical of the idea of allowing Social Security payers to take a portion of their Social Security and invest it equities in the market-

place so that the return will be four or five times what it is now.

Unfortunately, for young people, such as these pages, when they make their first dollars, 12.5 percent of it will be put into Social Security. If things do not change, there is very little chance they will have any benefits for them.

How do we change that? Raise taxes? I do not think people are interested in that. We can reduce benefits; I do not think many are interested in that.

One alternative is to take those dol-

ars now invested under law in Govern-

ment securities and return 1 percent on investment and allow 2 percent of the 12 percent to be invested in personal accounts. The account belongs to the payers and is invested on their be-

half as they direct, whether it is in equi-

ties, bonds, or a combination of the two. If they should be unfortunate enough to pass away before they ever get the benefits, it will go to their estate.

There is great criticism about that on the other side of the aisle without a good alternative as to how we are going to provide benefits for young So-

cial Security payers as they enter into the program. I should mention, one of the safety factors is that no one over 50 or 55 will be impacted or affected. Their Social Security will not change.

These are a few of the things with which we ought to be dealing.

Tax relief: We seem to be greatly concerned about what we do with ex-

cess money that will appear in this year’s budget. Certainly, there are some things we ought to do. One of them, of course, is to adequately fund Government programs. I understand people have different ideas about that, and it is something that could still be substantial excess dollars avail-

able.

The next priority is to make sure So-

cial Security is there and those Social Security dollars are not spent for oper-

ations, which is something we have done over years, until the last couple of years. That ought to be set aside so it does not happen. We ought to be dealing with Medicare making sure those dollars are set aside as well and not spent for operations so those bene-

fits will be available.

Frankly—and I realize there are dif-

ferent views and that is what the Sen-

ate is about—but there are those general-

ly on that side of the aisle whose idea—and it is legitimate—is that the Federal Government ought to be spend-

ing more, doing more; the Federal Gov-

ernment ought to undertake to solve all these problems. I do not happen to agree with that. I happen to think we ought to have a limited Federal Gov-

ernment; that, indeed, we ought to do those things the Federal Government ought to be doing, but it should not be involved in all of our lives. That is what the private sector is for. That is what local governments are for. That is what State governments are for.

Of course, that is the philosophical argument with which we are all faced.

One of the elements of that is tax re-

lief. We have passed one tax relief bill this year. We passed the marriage pen-

alty tax which is something which more of a fairness issue than anything. It deals with the fact that a man and woman, earning a certain amount of money, unmarried pay a certain amount in taxes. These two same people get married, earning the same amount of money and pay more income taxes. It is wrong. We passed a bill in both Houses. Now we need to make sure the President signs it.

The estate tax is another one that takes away over 50 percent of an estate above a certain level.

We ought to make that more fair. Tax relief is certainly one of the things that we ought to be doing, that we
ought to be talking about. Unfortunately, what we are faced with now is that we find ourselves in a position where I think we all are more interested in creating issues than they are in finding solutions. We find the same issues being brought up time after time after time. For example, my friend again talked about gun control this morning. He talked about additional laws, when the fact is, clearly, what is really important is the enforcement of the laws that we have now.

In the Colorado incident, there were 22 laws broken. Do we need more laws? Probably not. What we need to do is enforce them. The General Accounting Office did an audit of the effectiveness of the national instant criminal background check. As of September of 1999, the ATF headquarters staff had screened 50,000, but whether we had that only 22,000 had merit. Only 1 percent of those denials were ever pursued as to if the person trying to buy a gun was, in fact, legally allowed to. Clearly, that issue has been talked about here. It basically has been resolved.

We keep talking about the Patients’ Bill of Rights. We passed it in both Houses. The question now is whether, when you need an appeal from your HMO, you go to the court or physicians in an appeal position, whether you want to take a year and a half to go to court, or whether you want an automatic and quick response from professionals in the medical profession who say: Yes, do it. That is where we are.

You hear in the media that the Senate defeated the Patients’ Bill of Rights. That is not true. The Patients’ Bill of Rights has been passed by this Congress in both Houses. We need now to put it together. Indeed, it is in conference.

We find ourselves debating education. We find ourselves having to pull away from the elementary and secondary education bill in which the Federal Government participates—not heavily. The Federal Government’s role in funding elementary and secondary education is about 7 percent of the total expenditure. But the argument is whether the decisions are made in Washington as to how that 7 percent is used before it is sent down to the school districts. Whether we send down the 7 percent and let the States and the school districts decide, which is what our position is on this side.

I spoke at a graduation a couple weeks ago in Chugwater, WY. The graduating class was 12. You can see that is a pretty small school. The things they need in Chugwater, WY, are quite different than what you need in Pittsburgh or Philadelphia or Washington, DC. So if you are going to really be able to help all different kinds of schools and have the flexibility to do that, clearly, you have to transport those decisions to State and local government.

These are some of the things in which we find ourselves involved. I am hopeful we can move forward. I do not want to take away from the credibility of this body. Certainly, that is not why we are here. But we ought to have a system where, No. 1, after we have dealt with an issue, we can move on to the next issue, and not have it continuously brought up as and when everyone, amendments, which is happening all the time. We ought to be able to say, we have a system where we can participate. But we have a system that can hold everything up, which is being used now in not allowing us to move forward as we should.

As you can imagine, it gets just a little bit nerve-racking from time to time when you think of all the things that we could be doing, and need to be doing, but find it difficult to do.

Finally, there is something, it seems to me, that would be most helpful if we could do it a little more. We are talking now about the deregulation of electricity, trying to make it competitive so there would be better opportunity for people to choose their supplier, so there would be a better opportunity for people to invest in generation, and do all those things. But we really have not decided where we want to go and where we want to be.

One of the things that seems to be difficult for us to do in governance is, first of all, to decide what we want to accomplish and then talk about how we get there. It sounds like a fairly simple routine, but it is not really happening. It would be good if we could do that, if we could say, for example, in terms of the Patients’ Bill of Rights: All right, what do we want the result to be? What is our goal? What do we want to accomplish? and see if we could not define that, and then make the rules, make the regulations, pass the laws that would implement that decision. But instead, if we do not have that clearly defined, it seems that we continue to go around and around.

I am sometimes reminded by children of Alice in Wonderland. She fell through the hole in the Earth and was lost, and she talked to people to try to get some directions. None of them were very useful. She finally came to the Cheshire cat who was sitting up in a tree at a fork in the road. She said: Mr. Cat, which road should I take?

He said: Where do you want to go?
She said: I don’t know.
He said: Then it doesn’t make any difference which road you take.

That is kind of where we are in some of the things we do. In any event, we are going to make some progress. I hope that we move forward and get our appropriations finished. I hope we can do something on national security. We need to have a system that works to decide what it is we want to accomplish, how we best accomplish that, and put it into place.
happy to do it either way, to join with him in offering those amendments now for a few minutes and then to introduce the Kennedy amendment, if he would like.

The PRESIDING OFFICER. The Chair wishes to inform both Senators that the unanimous consent request was made a brief while ago to provide for the Senator from Utah to offer his amendment at 4 o’clock.

Mr. WARNER. Madam President, I am glad to be informed of that.

The PRESIDING OFFICER. It did not affect the positioning of the amendment of the Senator from Massachusetts, which the Chair believes is to be offered first.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Virginia.

Mr. WARNER. Madam President, I move to proceed with the business of the day without further delay.

Mr. LEVIN. Madam President, I send the Senator from Virginia [Mr. WARNER], a copy of the Kennedy amendment, if he desires to offer it at this time.

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

The motion to proceed with the business of the day was agreed to.

The Senator from Virginia.

Mr. WARNER. Madam President, on behalf of Senator McCaIN, I offer an amendment that would clarify that the Secretary of Veterans Affairs must assist claimants in developing claims for VA benefits.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER], for Mr. McCain, proposes an amendment numbered 3458.

The amendment is as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTIES TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

"5107 Assistance to claimants; benefit of the doubt; burden of proof.

"(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement. The benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

"(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt that there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

"(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended to read as follows:

"5107 Assistance to claimants; benefit of the doubt; burden of proof.

Mr. LEVIN. Madam President, this amendment has been cleared. We support it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3458) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3459

(Purpose: To authorize the Secretary of Veterans Affairs to furnish headstones or markers for certain individuals. I believe the amendment has been cleared on both sides.)

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3460

(Purpose: To authorize the Secretary of Veterans Affairs to furnish headstones or markers for certain individuals, in lieu of furnishing a headstone or marker under section (d) of section 906 of title 38, United States Code, as such subsection was in effect before September 30, 1978, and before November 1, 1990.)

Mr. LEVIN. Madam President, this amendment would authorize the Secretary of Veterans Affairs to furnish headstones or markers for certain individuals. I believe the amendment has been cleared on both sides.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3459) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3460

(Purpose: To add $30,000,000 for the Navy for the procurement of Gun Mount modifications; and to offset the increase by reducing by $30,000,000 the amount authorized to be appropriated for the Navy for procurement for aircraft ($13,100,000 from the amount for the block modification upgrade program for P–3 aircraft, $9,000,000 from the amount for the H–1 series to reclaim and convert aircraft from the aerospace maintenance and regeneration center, and $7,900,000 from the amount for procurement of SH–60R aircraft).

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:
SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

Mr. WARNER. Madam President, I send an amendment numbered 3462. The amendment is as follows:

(Purpose: To require a report on submarine rescue support vessels)

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1007. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submarine rescue support vessels and the operational impacts of the following:

(A) Chartering of costs and time.

(B) Submarine rescue support vessels through vessel of opportunity services.

(C) Providing other means considered by the Navy.
to carry out a meaningful study of administra-
tion of the rules described in subsection (a), including the Office of Management and
Budget Circular A–76 process. Upon the re-
quently of the Chairman of the panel, the head
of such department or agency shall furnish
the request to the Panel on the Panel, fair
(f) DEFINITION.—In this section, the terms
“federal labor organization” has the mean-
given by the Secretary of the Air Force, for
subsections 7103(a)(4) of title 5, United States
Code.

The PRESIDING OFFICER. Without ob-
jection, the amendment is agreed to.

The amendment (No. 3464) was agreed to.

Mr. WARNER. Madam President, I
move to reconsider the vote.

Mr. LEVIN. I move to lay that mo-
tion on the table.
The motion to lay on the table was agreed to.

AMENDMENT NO. 3465

(Purpose: To authorize a land conveyance,
Los Angeles Air Force Base, California.)

Mr. LEVIN. Madam President, I send
an amendment to the desk and ask for
its immediate consideration.
The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read
as follows:
The Senate from Michigan (Mr. LEVIN),
for Mrs. FEINSTEIN, proposes an amend-
ment numbered 3465.

The amendment is as follows:

On page 543, strike line 20 and insert the
following:

Part III—Air Force Conveyances

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR
FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Sec-
retary of the Air Force may convey, by sale
or lease upon such terms as the Secretary
considers appropriate, all or any portion of
the following parcels of real property, in-
cluding improvements thereon, at Los Ange-
les Air Force Base, California:

(1) Approximately 42 acres in El Segundo,
California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo,
California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne,
California, commonly known as the
Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley,
California, commonly known as the Armed
Forces Radio and Television Service Broad-
cast Center.

(b) CONSIDERATION.—As consideration for
the conveyance of real property under sub-
section (a), the recipient of the property
shall provide for the design and construc-
tion of real property acceptable to the Secretary
of one or more facilities to consolidate the
mission and support functions at Los Ange-
les Air Force Base. Any such facility must
comply with the seismic and safety design stan-
dards for Los Angeles County, Cali-
ifornia, in effect at the time the Secretary
takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair mar-
ket value of a facility to be provided as con-
sideration for the conveyance of real prop-
erty under subsection (a) exceeds the fair mar-
ket value of the conveyed property, the Sec-
retary may enter into a lease for the fa-

Mr. WARNER. Madam President, I
move to reconsider the vote.

Mr. LEVIN. I move to lay that mo-
tion on the table.
The motion to lay on the table was agreed to.

AMENDMENT NO. 3466

(Purpose: To provide an additional amount
of $92,000,000 for the procurement of re-
manufactured AV–8B aircraft for the Navy;
and to offset the increase by reducing the
amount provided for the procurement of
UC–35 aircraft for the Navy by $33,400,000,
by reducing the amount provided for the pro-
curement of automatic flight control sys-
tems for EA–6B aircraft by $17,700,000,
and by reducing the amount provided for
engineering change proposal 583 for FA–18
aircraft for the Navy by $40,900,000)

Mr. WARNER. Madam President, I
ask an amendment to the desk and ask for
its immediate consideration.

The PRESIDING OFFICER. The clerk will report.
The assistant legislative clerk read
as follows:
The Senator from Virginia (Mr. WARNER),
for Mr. BANTORUM, proposes an amend-
ment numbered 3466.

The amendment is as follows
On page 31, between lines 18 and 19, insert
the following:

SEC. 126. REMANUFACTURED AV–8B AIRCRAFT.

Of the amount authorized to be appro-
priated by section 102(a)(1)—

(1) $318,656,000 is available for the procure-
ment of remanufactured AV–8B aircraft;

(2) $15,200,000 is available for the pro-
cure of UC–35 aircraft;

(3) $3,300,000 is available for the procure-
ment of automatic flight control systems for
EA–6B aircraft;

(4) $149,000,000 is available for engineering
change proposal 583 for FA–18 aircraft.

Mr. WARNER. This amendment has
been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without ob-
jection, the amendment is agreed to.
The amendment (No. 3466) was agreed to.

Mr. WARNER. Madam President, I
move to reconsider the vote.

Mr. LEVIN. I move to lay that mo-
tion on the table.
The motion to lay on the table was agreed to.

AMENDMENT NO. 3467

(Purpose: To make available, with an offset,
$5,000,000 for research, development, test,
and evaluation for the Navy for the Infor-
mation Technology Center and Human Re-
source Enterprise Strategy.)

Mr. LEVIN. Madam President, I
send an amendment to the desk and ask for
its immediate consideration.

The PRESIDING OFFICER. The clerk will report.
The assistant legislative clerk read
as follows:
The Senator from Michigan [Mr. LEVIN], for Mr. LAVITHE, proposes an amendment number 3467.

The amendment is as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) AVAILABILITY OF INCREASED AMOUNT.—(1) Of the amount authorized to be appropriated by section 201(2), for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount available for Marine Corps Assault Vehicles (PE093611M) is hereby reduced by $5,000,000.

MR. LEVIN. Madam President, this amendment adds $5 million to the authorization of the Navy’s Information Technology Center. I believe this amendment has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3467) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3468

(Purpose: To increase the authorization of the Marine Corps for procurement by $2,000,000 for night vision (M203 tilting brackets), by $2,000,000 for 5/4T truck high mobility multipurpose wheeled vehicles (including $1,500,000 for recruiter vehicles), and by $6,000,000 for the mobile electronic warfare support system: and to offset the total amount of the increase by reducing the authorization of appropriations for the Army for other procurement for the family of medium tactical vehicles by $16,000,000)

MR. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3468.

The amendment is as follows:

On page 17, line 13, strike ‘‘$1,181,035,000’’ and insert ‘‘$1,181,035,000’’. On page 16, line 22, strike ‘‘$1,068,570,000’’ and insert ‘‘$1,068,570,000’’.

MR. WARNER. This amendment would increase Marine Corps procurement accounts $10 million for various items. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3468) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3469

(Purpose: To increase the authorization of the Marine Corps for research, development, test, and evaluation, Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease applied to computing systems and communications technology (PE092201E).

MR. LEVIN. Madam President, this is a technical amendment to amendment No. 3933. I believe this has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3469) to amendment No. 3933 was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3470

(Purpose: To modify the management and per diem requirements for members subject to lengthy or numerous deployments: and to authorize extensions of TRICARE managed care support contracts)

MR. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON and Mr. CLELAND, proposes an amendment numbered 3470.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—In subsection (a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 637) is amended in the text of section 991 of title 10, United States Code, set forth in such section 991 of title 10, United States Code, in subsection (a), by striking ‘‘251 days or more out of the preceding 365 days’’ and inserting ‘‘501 or more days out of the preceding 365 days’’; and

(2) in subsection (b), by striking ‘‘prescribed under paragraph (3)’’ and inserting ‘‘prescribed under paragraph (4)’’.

(b) ASSOCIATED PER DIEM ALLOWANCE.—Section 991(b) of that Act (113 Stat. 638) is amended in the text of section 435 of title 37, United States Code, set forth in such section 435 of title 37, United States Code, by striking ‘‘between 250 and 325 days’’ and inserting ‘‘between 251 and 325 days’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to deployments commencing on or after October 1, 2000.

Mr. WARNER. This amendment would increase Marine Corps procurement accounts $10 million for various items. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3469) to amendment (No. 3470) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 3469.

The amendment is as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

MR. WARNER. The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease applied to computing systems and communications technology (PE092201E).

MR. LEVIN. Madam President, this is a technical amendment to amendment No. 3383. I believe this has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3469) to amendment No. 3383 was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3471

(Purpose: To modify the management and per diem requirements for members subject to lengthy or numerous deployments: and to authorize extensions of TRICARE managed care support contracts)

MR. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON and Mr. CLELAND, proposes an amendment numbered 3471.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (1)—(1) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and
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(2) shall be based on the price in the final
best and final offer for the last year of the
existing contract as adjusted for inflation
and other factors mutually agreed to by the
contractor and the Government.

Mr. WARNER. Madam President, this
amendment would modify the manage-
ment and per diem requirements for the
military service members subject to
lengthy deployments and to authorize
extensions of TRICARE manage-
care support contracts. This has
been cleared on both sides.

The PRESIDING OFFICER. Without
objection, the amendment is agreed to.
The amendment (No. 3470) was agreed
to.

Mr. WARNER. Madam President, I
move to lay the table.

Mr. LEVIN. I move to lay that mo-
ton on the table.

The motion to lay on the table was
greed to.

AMENDMENT NO. 371
(Purpose: To require reports on the progress
of the Federal Government in developing
information assurance strategies)

Mr. LEVIN. Madam President, I send
an amendment to the desk and ask for
its immediate consideration.

The PRESIDING OFFICER. The
clerk will report.

The assistant legislative clerk read as
follows:
The Senator from Michigan [Mr. LEVIN],
for Mr. SCHUMER and Mr. BENNETT, proposes an
amendment (No. 3471).

The amendment is as follows:

On page 378, between lines 19 and 20, insert
the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT
PROGRESS IN DEVELOPING INFOR-
MATION ASSURANCE STRATEGIES.

(a) FINDINGS.—Congress makes the fol-
lowing findings:

(1) The protection of our Nation’s critical
infrastructure is of paramount importance
to the security of the United States.

(2) The vulnerability of our Nation’s crit-
ical assets, including financial services,
transportation, communications, and energy
and water supply—has increased dramati-
cally in recent years as our economy and so-
ciety have become ever more dependent on
interconnected computer systems.

(3) Threats to our Nation’s critical infra-
structure will continue to grow as foreign
governments, terrorist groups, and cyber-
criminals increasingly focus on information
warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to
our Nation’s critical infrastructure requires
extensive coordination and cooperation
within and between Federal agencies and the
private sector.

(5) Presidential Decision Directive No. 63
(PDD-63) identifies 12 areas critical to the
functioning of the United States and re-
quires certain Federal agencies, and encour-
ages private sector industries, to develop and
comply with strategies intended to enhance
the Nation’s ability to protect its critical in-
frastructures.

(6) PDD-63 requires lead Federal agencies
to work with their counterparts in the pri-
vate sector to create early warning informa-
tion sharing systems and other cyber-secu-
irty strategies.

(7) PDD-63 further requires that key Fed-
eral agencies develop their own internal
information assurance plans, and that these
plans be fully operational not later than May

(b) REPORT REQUIREMENTS.—(1) Not later
than July 1, 2001, the President shall submit
to Congress a comprehensive report detailing
the specific steps taken by the Federal Gov-
ernment as of the date of the report to de-
velop infrastructure assurance strategies as
outlined by Presidential Decision Directive
No. 63 (PDD-63). The report shall include the
following:

(A) A description of the progress of each Federal agency in developing an internal
information assurance plan.

(B) The progress of Federal agencies in es-
 establishing partnerships with relevant private
sector industries.

(2) Not later than 120 days after the date of
the enactment of this Act, the Secretary of
Defense shall submit to Congress a detailed
report on the roles and responsibilities of the
Department of Defense in defending against
attacks on critical infrastructure and criti-
cal information assurance systems. The report
shall include the following:

(A) A description of the current role of the
Department of Defense in implementing
Presidential Decision Directive No. 63 (PDD-
63).

(B) A description of the manner in which
the Department is integrating its various ca-
pabilities and assets into the Joint"Land
Information Warfare Activity (LIWA), the
Joint Task Force on Computer Network
Defense (JTF-CND), and the National Com-
munications System into an indications and
warning architecture.

(C) A description of Department work with
the intelligence community to identify, de-
tect, and combat computer network
warfare programs by potentially hostile for-
eign national governments and sub-national
groups.

(D) A definitions of the terms “nationally
significant cyber event” and “cyber recon-
stitution”.

(E) A description of the organization of De-
partment to protect its foreign-based infra-
structure and networks.

(F) An identification of the elements of a
defense against an information warfare at-
tack, including the integration of the Com-
puter Network Attack Capability of the United
States Space Command into the over-
all cyber-defense of the United States.

Mr. LEVIN. This amendment pro-
vides for reports on the progress of the Federal Government in developing
information assurance strategies. I be-
lieve this has also been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without
objection, the amendment is agreed to.
The amendment (No. 3471) was agreed
to.

Mr. LEVIN. Madam President, I
move to reconsider the vote.

Mr. WARNER. I move to lay that mo-
ton on the table.

The motion to lay on the table was
greed to.

AMENDMENT NO. 372
(Purpose: To reform Government informa-
tion security by strengthening information
security practices throughout the Federal
Government)

Mr. WARNER. Madam President, I
send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The
clerk will report.

The assistant legislative clerk read as
follows:

The Senator from Virginia [Mr. WARNER],
for Mr. THOMPSON, for himself, Mr.
LIEBERMAN, Mr. AKAKA, Mr. CLELAND, Mr.
HELMS, Mr. VOINOVICH, Mr. ABRAHAM, and
Mr. COLLINS, proposes an amendment num-
bered 3472.

(The text of the amendment is print-
ed in today’s RECORD under “Amend-
ments Submitted.”)

Mr. THOMPSON. Madam President, I
offer this amendment on behalf of my-
self as chairman of the Governmental
Affairs Committee and Senator
LIEBERMAN, the committee’s ranking
minority member. This amendment
deals with the important issue of infor-
mation security at the Department of
Defense and other Federal agencies.

The amendment is essentially the same
as S. 1993, a bill reported by our com-
mmittee this past April.

Senator LIEBERMAN and I introduced
the original S. 1993 last November as
the result of the considerable time
spent by the Governmental Affairs
Committee last Congress examining
the state of Federal Government
information systems. Numerous
Governmental Affairs Committee hear-
ings and General Accounting Office reports uncovered and identified systemic fail-
ures of government information sys-
tems which highlighted our nation’s
vulnerability to computer attacks—from
international and domestic ter-
rors to crime rings to everyday
hackers.

Report after report, agency after agency,
we learned that our nation’s underlying information infrastructure is
riddled with vulnerabilities which
represent severe security flaws and
risks to our national security, public
safety and personal privacy.

In fact, GAO believes the problems in
the government’s information tech-
nology systems to be so severe that it
has put government-wide information
security on its list of “high-risk” gov-
ernment programs—programs which
are most vulnerable to waste, fraud,
abuse and mismanagement.

For example, GAO told us:

That unknown and unauthorized in-
dividuals were gaining access to highly
sensitive unclassified information at
the Department of Defense;

That weaknesses in IRS computer se-
curity controls continue to place IRS
systems and taxpayer data “at serious
risk to both internal and external at-
tack”;

That “pervasive, serious weaknesses
jeopardize State Department opera-
tions”;

That “many NASA mission-critical
systems face serious risks”:

That flight safety is jeopardized by
weak computer security practices at
FAA; and

That, based on the most recent re-
view of the government’s 24 largest
agencies, computer security weak-
nesses place critical government oper-
ations, such as national defense, tax
collection, law enforcement and benefit distribution, at risk.

At our hearings we learned from the Director of Central Intelligence, George Tenet, that information warfare or cyberterrorism has the potential to deal a crippling blow to our national security if strong measures are not taken to counter it. Potential threats range from national intelligence and military organizations, terrorists, criminals, industrial competitors, hackers, and disgruntled or disloyal insiders.

Director Tenet stated that several countries, including Russia and China, have government-sponsored information warfare programs with both offensive and defensive applications. These countries see information warfare as a way of leveling the playing field against their stronger military power, such as the U.S.

We learned from the Director of the National Security Agency, General Minihan, that severe deficiencies exist in our ability to respond to a coordinated attack on our national infrastructure and information systems.

We heard from agents of the Social Security Administration’s Office of Inspector General who described how computer crimes were committed by SSA employees. This demonstrated the danger of the “inside threat” to agencies that do not adequately monitor and limit access to computer information by their own employees.

And finally, we heard from reformed hacker, Kevin Mitnick, and learned of his ability to crack into systems without ever touching a computer. He told us that, even if we did everything else right, without strong personnel security, nothing is safe. He described how he was able to trick the employee of a multi-national company into giving him pass codes to the company’s security access devices. He said “The human side of computer security is easily exploited and constantly overlooked.”

And, yet, even with evidence from all of these experts on how information systems should be managed to prevent against attacks, year after year, we continue to receive reports detailing significant security breaches at Federal agencies.

The one thing that came through loud and clear is that at the core of the government problems is the absence of effective management. GAO told us “Poor security program planning and management continue to be fundamental problems... What needs to emerge is a coordinated and comprehensive management strategy.”

To identify potential management solutions, we asked GAO to study the management practices of organizations known for their superior security programs. When GAO looked at eight organizations—most of which were private companies—GAO found that these organizations implemented information security policies on an ongoing basis through a coordinated management framework.

 Agencies clearly must do more than establish programs and set management goals—agencies and the people responsible for managing information systems in those agencies must be held accountable for their actions.

That is what Senator LIEBERMAN and I intend with this amendment. The primary objective of the amendment is to address the management challenges associated with operating in the current interdependent computing environment. It will provide a coordinated and comprehensive management approach to protecting information.

For example, the bill would:

- Test overall government accountability for agency heads, such as requiring agency-wide security programs;
- Require agencies to have an annual independent evaluation of their information security programs and practices;
- Focus on the importance of training programs and government-wide incident response handling.

Our amendment reflects changes made to S. 1993 based on comments received from our colleagues in the Senate and working with the Department of Defense and others in the intelligence community, the Office of Management and Budget, the agency Inspectors General, and industry.

We urge support of our amendment and believe that, through continued vigorous oversight, we will drive the GAO, director of the Centers of Disease Control, and others in the intelligence community, the Office of Management and Budget, the agency Inspectors General, and industry to think of less than perfect security in the context, for example, of tax and wage information the Internet Revenue Service maintains, troop movements monitored by the Defense Department, medical data monitored by the Centers of Disease Control. Without proper security, government’s dependence on computers would expose to exploitation all of this information—and much more.

Indeed, some of this information may be in jeopardy right now. A series of General Accounting Office (GAO) studies found government computer security so lax that GAO put the entire apparatus on its list of “high risk” government programs. GAO reported in September 1998 that inadequate controls over information systems at the Veterans Administration exposed many of its service delivery and management systems to disruption or misuse. In May 1999, GAO reported that the federal government continues to have access to State Department networks, enabling the GAO, had it tried, to modify, delete or download and shut down services.

Our problem is not simply a technical one. It is also a cultural one. The federal government can purchase and implement the most advanced security programs it can afford but unless top government officials acknowledge that our future depends on information security, those programs will be meaningless. But even high-level attention to and responsibility for security will mean little unless everyone and anyone who uses a computer—which, these days, must include practically every government worker—does their part to ensure the security of the system on which they work. This amendment, therefore, focuses on good management practices to ensure secure government information systems.

the digital age. But, I offer this sincere warning now: information security cannot be one of them. With this amendment, we would establish the groundwork for securing much of the government’s electronic information. Above all else, protecting the integrity, the availability and the confidentiality of information stored on federal computers is central to serving taxpayers in the digital age. And we must be vigilant about it.

Like the rest of the nation, the government is ever more dependent on automated information systems to store information and perform tasks. At hearings before the Government Affairs Committee last Congress, however, witnesses testified that such increased reliance has not been met by an equivalent strengthening of the security, either physically or through software enabling the GAO, had it tried, to modify, delete or download and shut down services. In May 1999, GAO reported that one of its test teams gained access to mission critical computer systems at NASA, which would have allowed the team to control spacecraft or alter scientific data returned from space.

Our problem is not simply a technical one. It is also a cultural one. The federal government can purchase and implement the most advanced security programs it can afford but unless top government officials acknowledge that our future depends on information security, those programs will be meaningless. But even high-level attention to and responsibility for security will mean little unless everyone and anyone who uses a computer—which, these days, must include practically every government worker—does their part to ensure the security of the system on which they work. This amendment, therefore, focuses on good management practices to ensure secure government information systems.
Had this amendment been in place earlier this year when the “Love Bug” and successive, mutating viruses wreaked havoc on the world’s computers, government would have been better prepared to withstand the attack. I hope that government employees would have been more aware of the need to upgrade their systems’ security software to ensure that such “worms,” as they are called, were barred from the system. And this amendment’s training provisions would have helped to ensure that employees were versed in the dangers of opening attachments from unknown senders.

The cornerstone of this amendment is the plan each agency must develop to protect sensitive federal information systems. Agency chief information officers (CIOs) would be responsible for developing and implementing the security programs, which must undergo annual evaluations and be subject to the approval of the Office of Management and Budget (OMB).

Because we need to change our cultural attitudes toward information security, the OMB also would be responsible for establishing government-wide policies promoting security as a central part of ongoing agency operations. And we intend to hold agency heads accountable for implementing these policies. This amendment requires high-level accountability for the management of agency systems beginning with the Directors of OMB and agency heads. Each agency’s plan must reflect an understanding that computer security is an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as the system is about to go online.

This amendment establishes an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of agency policies and procedures. This could be accomplished through reviews of agency budgets, program performance and financial management. And the amendment requires an independent, annual evaluation of all information security practices and programs to be conducted by the agency’s Inspector General, OAO, or an independent external auditor. I hope that the IGs will use their limited resources wisely and use their discretion in targeting those areas of their agencies’ programs which require the most attention. In addition, I hope that agency heads will work with their IGs, especially when it comes to sharing information on potential threats to agencies’ systems.

Our amendment requires that agencies report unauthorized intrusions into government systems. GSA currently has a program for reporting and responding to such incidents. The amendment would allow agencies to use this reporting and monitoring system.

The amendment requires that the national security and classified systems adhere to the same management structure as every other government system under our bill. This means they must undergo critical upgrades, although the plan need not be approved by OMB. To address particular concerns raised by the defense and intelligence communities, the amendment allows the heads of agencies with national security and classified systems to designate their own independent evaluators in the interest of protecting sensitive information and system vulnerabilities. And the Secretary of Defense, the Director of Central Intelligence, and other agency heads, as designated by the President, may develop their own procedures for detecting, reporting and responding to security incidents.

Finally, President Clinton has proposed a very practical idea known as the Federal Cyber Service designed to strengthen the government’s cadre of information security professionals. Our amendment authorizes this program and gives agencies the flexibility they need to implement it. The program includes scholarships in exchange for government service, retraining computer information specialists and, as part of our campaign to influence cultural behavior, proposals to promote cyber-security awareness among Federal workers and high school and secondary school students.

Since Senator Thompson and I introduced S. 1993 last November, we have worked closely with the Administration, the Department of Defense, the National Security Agency, the Department of Energy, the CIA, the Office of the Inspector General, and interested parties outside government. We have made changes to address the concerns that have been raised and I am very pleased with the Administration strongly supports the provisions.

Witneses testifying at the Governmental Affairs Committee hearing on S. 1993 were also very supportive of the bill. Jack Brook, Director of GAO’s Governmentwide and Defense Information Systems Group in the Accounting and Information Management Division testified that “the bill, in fact, incorporates the basic tenets of good security management found in our report on security practices of leading organizations.” He also said that “the key to this process is recognizing that information security is not a technical matter of locking down systems, but rather a management problem.” Thus, it is highly appropriate that S. 1993 requires a risk management approach that incorporates these elements.”

Roberta Gross, the Inspector General at the National Aeronautics and Space Administration (NASA), testified that S. 1993 is a very positive step in highlighting the importance of centralized oversight and coordination in responding to risks and threats to IT [information technology] security.” S. 1993 “...importantly recognizes that IT security is one of the most important issues facing our future Federal planning and investment...” The Act makes it clear that each agency must be far more vigilant and involved than current practices.

Another witness, James Adams, Chief Executive Officer of Defense, a security consulting firm, testified that S. 1993 is “...thoughtful and badly needed legislation...” which “...takes a crucial step forward.” Ken Watson of Cisco Systems noted that S. 1993 is consistent with what industry has already been encouraging, that is that “...security must be promoted as an integral component of each agency’s business operations, and information technology security training is essential...”

Mr. President, it is my hope that, if enacted, this amendment will improve our computer security to the point where the operations of government in the digital age are performed with the privacy and well-being of the American public in mind. Again, I am pleased with the leadership of the Armed Services Committee has accepted this amendment because, in the digital age, there is no such thing as moving too quickly.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3472) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I believe we will proceed in accordance with the order.

Mr. President, I rise this afternoon—14 days since the Senate first turned to consideration of the Fiscal Year 2001 Defense Authorization Bill— to, once again, emphasize the importance of the Senate passing this critical legislation. Our troops deployed around the world, many in harm’s way, their families here at home, and all those who have answered the call to duty before them are waiting on the Senate to act.

Since June 6 when the Senate first began consideration of the Defense Authorization bill we have had productive debate and dialogue. The Senate has spent four days debating and voting on this legislation, and the Committee has done a great deal of work during the “down time”—when the Senate was considering various appropriations bills—in clearing many of the amendments that are in order on the authorization bill. We now have a Unanimous Consent agreement for the next day and a half to deal with several pending amendments. In my view, there is perhaps an additional day’s worth of debate and votes on the remaining amendments which we believe will be
offered to this bill. I urge my colleagues to work with the Committee on any remaining amendments so that we can pass a bill in this Congress. During this same period, our Navy ships has been reduced from 567 to 316. This year alone, the Armed Services Committee has conducted 50 hearings related to the defense budget, and spent four days—15 hours—in marking up the bill which is before the Senate.

This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of the Armed Forces and their families. It is a fair bill. It provides a $4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women all of whom make great sacrifices for our country and many of whom are in harm's way on a daily basis by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. The Senate has passed a defense authorization bill each and everyone of those years. In fact, the Senate has passed a defense authorization bill every year since 1961—since the beginning of the current authorization process. This year, the House passed its version of the defense authorization bill by an overwhelming vote of 359-63. It is now the Senate’s duty to fulfill its responsibilities on this important legislation.

But our responsibility to consider and pass the annual defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world. U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam War in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I would like to take a moment to make my colleagues well aware of the impact of NOT passing The National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included legislation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

- No extension of TRICARE benefits to active duty family members in remote locations;
- No elimination of health care co-pays for active duty family members in TRICARE Prime;
- No Thrift Savings Plan for military personnel;
- No stipend for military families to eliminate their need to rely on food stamps McCain amendment);
- No five year pilot program to permit Defense Department commuters in the Washington area.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including:

- Special pay for health professionals in critically short wartime specialties;
- Special pay for nuclear-qualified officers who extend their service commitment;
- Aviation officer retention qualified officers who extend their service commitment;
- Nuclear accessions bonus;
- Nuclear career annual incentive bonus;
- Selected Reserve enlistment bonus;
- Selected Reserve re-enlistment bonus;
- Special pay for service members assigned to high priority reserve units;
- Selected Reserve affiliation bonus;
- Ready Reserve enlistment and re-enlistment bonuses;
- Loan repayment program for health professionals who serve in the Selected Reserve;
- Nurse officer candidate accession program;
- Accession bonus for registered nurses;
- Incentive pay for nurse anesthetists;
- Re-enlistment bonus for active duty personnel;
- Enlistment bonus for critical active duty specialities; and
- Army enlistment bonuses and the extension of this bonus to the other services.

And, Mr. President, without this bill, the Congress will not meet its commitment to our military retirees and their families to provide a comprehensive lifetime health care benefit, including full pharmacy services. Without this bill, military health care system benefits will continue to be denied to retirees and their dependents who reach age 65 and become Medicare eligible. Military beneficiaries will lose the earned military health care benefit that this bill finally restores to them.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemembers and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared. Without this bill, efforts by the committee to continue to ensure that the DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction or mass disruption would not be implemented. Efforts that would not go forward without this bill include:

- Establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism;
- Fully deploying 32 WMD-CST (formerly RAID) teams by the end of fiscal year 2001;
- Establishing an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and
- Creating an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without the defense authorization bill:
Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH-60 ‘Black Hawk’ helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorization as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, ‘Example is the best General Order.’ The Senate needs to take charge, move out, and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and our armed service's most vital missions. Despite this crucial mission, it is my understanding that Fort Stewart is not gaining authorization for military construction dollars.

I would like to take a moment to engage the chairman in a colloquy on one particular area within this bill—military construction.

Mr. WARNER. I thank the senator for his kind words and would be glad to indulge him in a colloquy on this subject.

Mr. COVERDELL. Of course, we are all appreciative of what the committee has done for our bases across the Nation. As the chairman knows, Georgia has a proud military tradition. Currently it is home to thirteen military installations representing all branches of our military and housing some of our armed service's most vital missions. As is the case at military installations across the country most of the bases in Georgia are in need of new infrastructure.

Through my travels to Georgia's bases, I was struck in particular with the condition of the buildings at Fort Stewart in Hinesville, Georgia, home of the 3rd Infantry Division. As the chairman and ranking member, I know the 3rd I.D. is an integral part of the Army's Contingency Corps. It is ready to go at a moment's notice and is part of our Army's “tip of the spear” force.

Despite this crucial mission, it is my understanding that Fort Stewart is the only major FORSCOM installation that still performs corps functions in World War II wooden buildings.

Mr. WARNER. The Senator is correct.

Mr. COVERDELL. It is clear to me that Fort Stewart needs more military construction dollars. However, I also understand that the committee and the Pentagon have certain parameters within they work to determine military construction dollars. I understand that the reasons Fort Stewart is not gaining authorization for military construction projects is that the projects I requested were not in the Pentagon's FYDP and that the committee uses the FYDP as its guide for authorizing military construction dollars. Is that correct?

Mr. WARNER. The Senator from Georgia is correct. We see many projects that need funding. However, in distributing scarce resources we must work with the Pentagon's priorities. While base commanders may have different views of what their bases need, if those priorities do not correspond with the Pentagon's priorities then it is different for us to assess the military value of the various projects.

Mr. COVERDELL. I thank the chairman. I have relayed similar views to Fort Stewart and will work with our other Georgia bases to ensure that they understand this process. I would like to ask the chairman how the committee views the situation at Fort Stewart.

Mr. WARNER. We agree that Fort Stewart needs new construction dollars and worked very hard this year to do what we could to help. We are committed to Fort Stewart's future and look forward to working with you, the base and the Pentagon to help it in the future.

Mr. COVERDELL. I thank the chairman for his remarks and look forward to working with him on this matter in the future.

Mr. CLELAND. I would like to join my distinguished colleague, the senior Senator from Georgia, Senator COVERDELL, in highlighting the critical needs of Fort Stewart in Georgia. I would also like to note my appreciation for the remarks of Chairman WARNER and his recognition of Fort Stewart.

I too would like to highlight the importance of Fort Stewart. Since its birth in 1942, Fort Stewart has seen a flurry of activity. Its original mission began as an anti-aircraft artillery training center and later evolved into a helicopter training facility, and is now home to 3rd Infantry Division. Fort Stewart has shown its importance during the Korean war, Vietnam war, the Gulf war, and even during the Cuban missile crisis. Through the years, Fort Stewart has adapted to the changing landscape of our military missions. Despite this glorious history, Fort Stewart needs our attention. Fort Stewart has important military construction needs to provide the critical infrastructure to fulfill its mission. It is my hope that through increased attention from the Department of the Army, the Pentagon, and the Congress, Fort Stewart's needs can be addressed.

I thank my colleagues for engaging in this colloquy regarding such a vital facility.

AMENDMENT NO. 3473

(Purpose: To enhance Federal enforcement of hate crimes and for other purposes)

Mr. LEVIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. LEVIN. Madam President, the Kennedy proposal has two major provisions. First, it strengthens current law as it relates to hate crimes based on race, religion and nation origin. Second, it broadens the definition of hate crimes to include gender, sexual orientation, and disability.

The two major provisions in the Kennedy amendment address specific loopholes in our current federal civil rights statute. Under current law, the federal government is limited in its ability to intervene in case unless it can be proved that the victim was engaged in one of six narrowly defined “federally protected activities,” such as enrolling in a public school, participating in a state or local program or activity, applying for or enjoying employment, serving as a juror, traveling in or using interstate commerce, and enjoying certain places of public accommodation.

The other unduly severe limitation under current law is this: federal prosecution is limited to those crimes motivated by race, color, religion and national origin and does not allow for federal intervention in crimes motivated by a person's sexual orientation, gender, or disability.

This amendment has the ability and the responsibility to pass the Kennedy amendment and send a clear message that America is an all-inclusive nation—one that does not tolerate acts of
violence based on bigotry and discrimination. Hate crimes are a special threat in a society founded on "liberty and justice for all." Too many acts of violence and bigotry in the last years have put our nation’s commitment to diversity in jeopardy. When Matthew Shepard, a gay student was severely beaten and left for dead or James Byrd, Jr. was dragged to death behind a pick-up truck, it was not only destructive for the victims and their families, but damaging to the victims’ communities, and to our American ideals.

When a member of the Arvan Nations walked into a Jewish Community Center day school and fired more than 70 rounds from his Uzi submachine gun, then killed a Filipino-American federal worker because he was considered a "target of opportunity," it not only affected the families of the victims but all those who share the traits of the targeted individuals.

In a united voice, we must not only condemn these acts of violence that target Americans every day but act against them. America’s agenda will remain unfinished so long as acts like those occur and statistics like the following threaten our people. According to the FBI Uniform Crime Reports, at least one hate crime occurs each hour. These are often acts of violence, not threats, verbal-abuse or hate speech, but criminal offenses.

In 1996, there were 7,755 incidents involving 9,722 victims. Of those incidents, approximately 56 percent were motivated by racial bias; 18 percent by religious bias; 16 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias, disability and multiple biases, and prejudices and hate.

In my home state of Michigan, according to the State Police, there were 578 hate crimes in the same year. According to Donald Cohen, director of Michigan’s Anti-Defamation League, racist, anti-gay and anti-Semitic activity is on the rise. In October of 1998, Cohen, who monitors hate crimes for his organization said "I can say I have seen more hate-group material circulated . . . in the last few months than I have seen in the prior two years.

As a result, civil rights and law enforcement officials, who were concerned about the rise of hate crimes in Michigan moved to counter them by founding the Michigan Alliance Against Hate Crimes. The Alliance is a statewide coalition working to provide support to victims of hate crimes and to identify, combat and eliminate such crimes.

The group was already in place last September, when this crime was committed in Grand Rapids, Michigan: a 30-year-old white man, Charles Raab, beat unconscious an African-American man, Willie Jarrett, ran him over with a car three times and dragged him with the car for 80 feet, before he dislodged the victim and fled the scene. Witnesses to the crime, the attacker used racial slurs to describe his victim—who suffered wounds to his back, hands, chest, and shoulders, and had half of his ear torn off.

The Michigan Alliance Against Hate Crimes immediately assembled a "rapid response team" and worked with the local prosecutor to charge Raab, the attacker, under the Ethnic Intimidation Act—Michigan’s hate crime law. In the end, Raab pleaded guilty to the charges against him and was sentenced to seven to twenty-five years in prison for the attack.

The city of Grand Rapids, along with the Michigan Alliance Against Hate Crimes, made sure that the perpetrator was prosecuted, but not executed to the extent of the law. Unfortunately, not all hate crimes are prosecuted so successfully. There are several states without such alliances and hate crimes are not prosecuted with the success either because state or local authorities do not have adequate resources or personnel; state and local authorities aren’t as incensed as they should be or decline to act for other reasons.

In some cases, state or local authorities simply don’t have jurisdiction to prosecute hate crime cases: 42 states have hate crime statutes but only 21 cover sexual orientation and disability and 22 cover gender. Michigan’s Ethnic Intimidation Act, for example, is limited to crimes incited by a person’s race, color, religion, gender or national origin, and does not include crimes motivated by a person’s sexual orientation or disability.

The FBI Statistics show that the number of unreported hate crimes based on sexual orientation is third only to those based on racial bias and religious bias.

My home state of Michigan has had its share of hate crimes based on sexual orientation. Last summer, an 18-year-old boy leaving a gay nightclub in Grand Rapids, Michigan was met by an attacker who was waiting outside the club in a car. The assailant jumped the young man and slashed his face with a razor blade hospitalizing him for over a week. His face is permanently scarred.

A few weeks ago in Detroit, a gay man was buying cigarettes at a gas station late at night and a car full of men pulled up, accosted him and asked if he was gay. When he just walked away the men became infuriated and beat him badly, shattering his skull and putting him in a coma for several days. The assailants have not been arrested.

A gay man driving in Royal Oak, Michigan was approached and intimidated by four other motorists in a nearby car. The assailants were screaming anti-gay epithets and succeeded in running him off the road and destroying his car. The assailants then screamed at the man, spit on him, and kicked in his window.

In the case of investigating the case allegedly asked multiple questions about the driver’s sexual orientation and sexual activity rather than the details of the accident. The four assailants were never charged and despite the fact that witnesses and crime specialists reconstructed the scene as told by the driver, the driver was convicted of reckless driving. Local media and community leaders were outraged and called it a miscarriage of justice.

This and other such stories are examples of crimes that not only affect the fundamental rights of the victim, but deprive that victim of a sense of security and self worth. These crimes are just as damaging as those motivated by race; color; religion; or national origin.

The Kennedy amendment would also broaden the federal government’s authority to prosecute any hate crime based on race, color, religion or national origin. Currently, federal prosecution of hate crimes is limited and U.S. attorneys have had difficulties prosecuting cases—that state authorities are unwilling or unable to prosecute cases—that state authorities are unwilling or unable to prosecute cases—because of the need to prove that the victim of a hate crime was also targeted because of his participation in one of six specified federally protected activities. The statute’s severe restrictions has prevented the federal government from prosecuting perpetrators of some of the most egregious hate crimes.

For example, in recent years a jury acquitted three white supremacists who had assaulted African-Americans. At the trial, some of the jurors revealed that they felt racial animus had been established but did not believe there was sufficient evidence to show that the defendants intended to prevent the victims from engaging in a narrowly defined federally protected activity that the statute had provided.

The Kennedy amendment will not make every hate crime a federal crime. Almost all hate crimes will remain the primary responsibility of state and local authorities. For these cases, broadening federal authority will permit joint federal-state investigations and may be useful to state and local authorities who will be able
to rely on investigatory and prosecutorial assistance from the Department of Justice. The Kennedy amendment makes it easier for federal courts to rely on state and local law enforcement agencies who have incurred extraordinary expenses associated with investigating and prosecuting hate crimes. For the few hate crimes that the Justice Department does not affect to state, the Department will be required to use its authority sparingly, as required by the existing authority to prosecute crimes motivated by racial or religious hatred. Prior to federal indictment, the Justice Department must certify and there is reasonable cause to believe that the crime is motivated by bias and the U.S. attorney has consulted with the state or local law enforcement officials and determined one of the following situations is present, under the Kennedy amendment, to show we are not creating under this amendment a situation where the federal government is going to prosecute every hate crime. There are still restrictions built in here to rely more heavily on state and local law enforcement. If one of the following situations is present, then the U.S. attorney, under certain circumstances at least, would be authorized to proceed: No. 1, the state does not have jurisdiction or does not intend to exercise jurisdiction; No. 2, the state has requested that the federal government assume jurisdiction; No. 3, the state does not object to the federal government assuming jurisdiction; No. 4, or the state has completed prosecution and the verdict or sentence obtained under state law left demonstrative evidence that the victim would have been entitled under federal law to proceed. I am not a lawyer, but I want to try to explain what that means. Stated simply, the Kennedy hate crimes amendment will allow for more effective and just prosecutions of hate crimes. The alternative, the Hatch proposal, which will be before the Senate, neither addresses the problems with existing law—that the victim must be engaged in a narrowly specified federally protected activity, nor does it address the limited definition of a hate crime—which excludes sexual orientation, disability, and gender. More than 175 law enforcement, civil rights, civic and religious groups as well as 22 State Attorneys General support the Kennedy amendment, and the role it gives the federal government to prosecute individuals who have committed violent acts resulting from racist, anti-Semitic or homophobic motives. This legislation is also supported by the Justice Department, and is compliant with the recent Supreme Court decision United States v. Morrison. In a June 13, 2000 letter to Senator Kennedy, the Justice Department stated clearly that the amendment “would be constitutional under governing Supreme Court precedents.” Passage of this amendment will send the message that we are a country that treasures equality and fairness. We will not condone the hate crimes that have plagued our nation and have had such a devastating impact on the families of Matthew Shepard, James Byrd, Jr., and too many others. I hope my colleagues will support the Kennedy amendment. This amendment will bring us closer to the time when all Americans have equal opportunities, and perpetrators of hate crimes receive swift and sure judgment. I believe there is a unanimous consent order relative to the next speaker, but before the Senator from Minnesota speaks, I see the Senator from Oregon will want to be here for speaking, and I am sure my colleague from Oregon will want to be here for speaking, and I am sure my colleague

The act is controversial. Some believe that all crime is hateful, and that by providing federal resources for hate crimes we would be telling the victims of crimes committed for other motives that they are not as important. I believe, however, that hate crimes are different. While perpetrators of an individual, the violence is directed at a community. The most controversial element in this legislation is that in addition to categories of race, religion, gender and disability, it contains a category for sexual orientation. Many in the Senate opposed this legislation because they feel that to legitimate protections for gays and lesbians is to legitimize homosexuality. I once shared that feeling, but no longer. One needn’t agree with all the goals of the gay community to help it achieve fair treatment within our society. It is possible, for example, to oppose gay marriage on religious and policy grounds but to protect gays and lesbians against violence on the same grounds. There is a biblical example and a protection to prevent violence against public figures who would be stoned by the sanctimonious or the politically powerful. As a member of the Senate Foreign Relations Committee, I have spoken against hate crimes of many kinds and in many lands. For that reason, I cannot be silent at home. I cannot forget the testimony given at a recent hearing by Elie Wiesel: “To hate is to deny the other person’s humanity. It is to see in ‘the other’ a reason to inspire not pride but disdain, not solidarity, but enmity. It is to choose chauvinism over democracy, chauvinism over ideas. It is to allow its carrier to feel stronger than ‘the other,’ and thus superior to ‘the other.’ The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God’s ear.” I often have told those who attempt to wield the sword of morality against others that if they want to talk about sin, go with me to church, but if they want to talk about policy, go with me to the Senate. That is the separation of church and state. At times, the law can and should be a teacher—and this is one of them. Yes, in many ways, passage of the Hate Crimes Preven-
tion Act would be a moral symbol. But it is a symbol that can be filled with substance by changing hearts and minds and by better protecting all our citizens, be they disabled, female, black or gay. They are Americans all.

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

Mr. WELLSTONE. Madam President, I say to my colleague, I will be very brief on this amendment. I will try to take less than 10 minutes because Senator Smith has taken a major leadership role. I know Senator Hatch will be speaking, and I am sure my colleague from Oregon will want to be here for that. I do not believe, but I think Senator Hatch very much for his leadership.

I am not a lawyer, but I want to try to briefly summarize what this bill is about. Senator Levin always does a
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more masterful job of that than I can. Then I will talk about why I think this piece of legislation is so important for Minnesota and other communities.

When it comes to hate crimes based on race, religion, or national origin, this legislation essentially moves beyond the very restrictive language we have right now where we can't prosecute people who have committed violent crimes against someone unless that person was involved in some kind of federally protected activity. That is way too narrow a definition. We want to be in a position as a nation where the Federal Government can prosecute, for example, those who murdered James Byrd. It is that simple.

We don't want to have such narrowly restrictive laws and language—and this is where the amendment of the Senator from Minnesota comes in. If you look at the legislation, the way our courts were set up, we care deeply when a Matthew Shepard is murdered, and, indeed, the Federal Government can play a role, and those who commit such a murder because of someone's sexual orientation will be prosecuted, that they will pay the price.

I know there have been some arguments made against this legislation. I am sure my colleague from Oregon will take up those arguments and deal with them or more depth, but as to the argument that somehow this takes on freedom of speech, we are not talking about freedom of speech. We are not talking about somebody in the pulpit saying whatever they want to say about people because of their sexual orientation. As much as I would be in disagreement with what I think would be prejudice or, I would argue, ignorance. But we are talking about an action; we are talking about when there is an act of violence perpetrated against someone because of their sexual orientation. I am not talking about speech. I am talking about violent action.

I believe strongly in this amendment and am proud to support it because I think hate crimes are very special. I came to the human rights rally in Washington, DC—it seems as though it was yesterday; maybe it was a couple months ago—I wanted to speak, and I had an opportunity to introduce Judy and Dennis Shepard. That was, for me, a much greater honor than actually giving a long speech or speaking at all. I wanted to introduce them. I have seen them at so many gatherings where they have been willing, as the parents of Matthew Shepard, who was murdered because of his sexual orientation, to go out and speak and support other people and speak out and try to do everything they can in memory of their son, to make sure that this never happens again. I guess we cannot make sure it never happens again, but we can do everything possible to make sure that it never happens again.

That is what this hate crimes amendment is all about—basically, what happens when there is an act of violence against someone because of the color of their skin or their religion. I am sensitive to this. My father was a Jewish immigrant born in the Ukraine, lived in Russia, fled persecution, and came to the United States of America because of religious persecution. When we have a definition of a hate crime against someone because of their religion or their national origin or their gender or their disability or their race or their sexual orientation, it is terrorism because what you are saying to a whole lot of other people is it could happen to you, too. That is the purpose of a lot of these crimes. You are saying to other people who are gay and lesbian, you are saying to other people because of their religion, sometimes you are saying to other people because they are white—not that long ago I think it was in Pittsburgh we saw people murdered just because of the color of their skin; they were white—what you are saying with these kinds of hate crimes is: other people, you could be next.

What you are doing is you are creating a whole second class of citizens who have to live their lives in terror. What you are doing is dehumanizing people. That is what these hate crimes are about. Now, we should have a high threshold—I am not a lawyer, but we should have a high threshold. We want to make sure that truly these are hate crimes. And believe me, that will have to be proven in our court system. But, colleagues, in all due respect, you have an amendment here that does a good job of getting beyond the very narrow definition so that, indeed, we have a definition of a hate crime that applies to the murder of a Matthew Byrd; we have a definition of a hate crime that applies to the murder of a Matthew Shepard, and I don't know how Senators can vote against it. It is long past time that we passed such a law. We must and I hope we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of OREGON. Madam President, I wish to say what is in my heart and why I as a Republican stand and support the Kennedy amendment on hate crimes.

On June 7, 1998, when James Byrd, Jr., was dragged to death on a dusty Texas road, something happened to me. I was horrified beyond my ability to express it. On October 12, 1998, when Matthew Shepard was beaten to death on a Wyoming prairie, hung to a fence to die, something happened to me. I, again, had no ability to express the outrage and horror that I felt of such conduct and such treatment: What is left of humankind that could perpetrate such an action upon a fellow human being? These were people who were murdered not for their property. They were murdered because of who they were. One was a black man and the other was a gay man. I think much of America felt the shock and revulsion that I did. Many of us began to look around and ask: What can I do in my sphere of influence? How can I help to see that this never happens again in my country?

So I was attracted to the whole issue of hate crimes. This is a very controversial thing with many, many factors. It is controversial because it includes a new category: "... or sexual orientation." And many of my friends in the Senate believe that disqualifies it from consideration. But it seems to me that our duty as public officials is to help Americans help human beings however we find them; no matter what we may believe their sins are because all of us are sinful.

Many will say that to legislate favorably towards a gay man is to legitimize homosexuality for our society. I used to have that feeling myself, but I do not any longer. I truly believe it is possible to object to a gay marriage and yet come to the defense of a gay person when it comes to violence. And I believe we have a duty to show up to work in the Federal Government when it comes to the issue of hate crimes. Some people believe that, well, all crimes are hateful; don't designate some types of crime. But I tell you that I have come to realize that hate crimes are different in this respect. Hate crimes are visited upon one person, but they are really directed at an entire community—in one case, a black man in the African American community, and in the other case, a gay man in the gay and lesbian community. We need to help, and I believe the Kennedy amendment actually helps.

I see this as controversial because they will stand behind the argument of States rights: that we cannot defend these people at the Federal level because there are State officials and laws where the actions and prosecutions occur. That is what some of us have to deal with.

I think that what we may believe their sins are because all of us are sinful.
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The Kennedy amendment allows this to happen, and I support it for that reason, because I believe we need to show up to work.

As a member of the Foreign Relations Committee, I have spoken all over the globe against hate crimes of all kinds. Because of that, I cannot in good conscience remain silent about hate crimes in my own country. It is time to speak out, and it is time to vote on something that will actually make a difference.

In my Subcommittee on European Affairs, I recently held a hearing on the issue of antisemitism. One of the most remarkable witnesses I have ever listened to in the Senate came to testify in that hearing. He is the Nobel Laureate Elie Wiesel. I will never forget what he said to our committee that day. He said:

"To hate is to deny the other person’s humanity. It is to see in ‘the other’ a reason to inspire not pride, but disdain; not solidarity, but animosity. It is to avoid the personal, the accidental, to substitute an abstract concept, a label, a phrase, for a living individual. It is to allow its carrier to feel stronger than ‘the other,’ and thus superior to ‘the other.’"

The hate we speak of today can be so widespread that it influences millions of people. It can be so pernicious that it influences the thinking of the most vulnerable among us. We are the American family and you perceive whatever you like the victim of hate. Some will say: Isn’t every act of domestic violence or rape a hate crime? I say, it may well be. It may trigger Federal involvement. But just because it includes sexual orientation does not make those victims less American.

Some will say: The Kennedy amendment is not constitutional. I believe it is constitutional. I believe it is OK to say we will help Americans—how we find them—or whether they are disabled, or whether they are gay.

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My remarks today, Madam President, are about having a bigger heart and making the Federal law big enough to include communities that are the most vulnerable among us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 4 o’clock having arrived, the Senator from Utah is recognized to offer his amendment.

AMENDMENT NO. 3474

(Purpose: To authorize a comprehensive study and to provide assistance to State and local law enforcement)

Mr. HATCH, Madam President, our Nation’s recent history has been marred by some horrific crimes committed because the victim was a member of a particular class or group. The beating death of Matthew Shepard in Laramie, WY, and then the dragging death of James Byrd, Jr. in Jasper, TX. These two spring readily to mind. I firmly believe that such hate-motivated violence is to be abhorred and that the Senate must raise its voice and lead on this issue.

During the last 30 years, Congress has been the engine of progress in promoting civil rights and in driving us as a society increasingly closer to the goal of equal rights for all under the law.

Historians will conclude, I have little doubt, that many of America’s greatest strides in civil rights progress took place just before this present moment on history’s grand timeline: Congress protected Americans from employment discrimination on the basis of race, sex, color, religion and national origin with the passage of the Civil Rights Act of 1964; Congress protected Americans from gender-based discrimination
in rates of pay for equal work with the Equal Pay Act of 1963, and from age discrimination with the passage of the Age Discrimination in Employment Act of 1967; Congress extended protections to immigration status with the Immigration Reform and Control Act in 1986, and to the disabled with the passage of the Americans with Disabilities Act in 1990. The list goes on and on.

Yet despite our best efforts, discrimination continues to persist in so many forms in this country, but most sadly in the rudimentary and malicious form of violence against individuals because of their membership in a particular class or group. Let me state, unequivocally, that this is America’s fight. As much as we condemn all crime, crimes manifesting an animus for someone’s race, religion or other characteristics can be more sinister than other crimes.

A crime committed not just to harm an individual, but out of the motive of sending a message of malice to an entire community—oftentimes a community that has historically been the subject of discrimination—is appropriately punished more harshly, or in a different manner, than other crimes.

This is keeping with the longstanding principle of criminal justice— as recognized by the Supreme Court in its unanimous 1993 decision in Wisconsin versus Mitchell upholding Wisconsin’s sentencing enhancement for crimes of animus—that the worse a criminal defendant’s motive, the worse the crime.

Moreover, crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest; and, ultimately, they are downright un-American.

The melting pot of America is the most successful multiethnic, multiracial, and multifaceted country in all recorded history. This is something to ponder as we consider the atrocities so routinely sanctioned in other countries—like Serbia or Rwanda—committed against persons entirely on the basis of their racial, ethnic or religious identity.

I am resolute in my view that the Federal Government can play a valuable role in responding to crimes of malice and hate. One example here is my sponsorship of the Hate Crime Statistics Act of 1990, a law which instituted a data collection system to assess the extent of hate crime activity, and which now has thousands of voluntary law enforcement agency participants.

Another, more recent example, is the passage in 1998 of the Church Arson Prevention Act, which, among other things, criminalized the destruction of any church, synagogue, mosque or other place of religious worship because of the race, color, or ethnic characteristics of an individual associated with that property.

To be clear, any Federal response—to be a meaningful one—must abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress’s enumerated powers that are routinely enforced by the courts.

This is more true today than it would have been even a mere decade ago, given the significant revival by the U.S. Supreme Court of the federalism doctrine in a string of decisions beginning in 1992. Those decisions must make us particularly vigilant in respecting the courts’ restrictions on Congress’s powers to legislate under section 5 of the 14th amendment, and under the commerce clause.

We therefore need to arrive at a Federal response to this matter that is not only as effective as possible, but that carefully navigates the rocky shoals of these court decisions. To that end, I have prepared an approach that I believe will be not only an effective one, but one that would avoid altogether the constitutional risks that attach to other possible Federal Responses that have been raised.

Indeed, Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that States and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional.

There are two principal components to my approach:

First my amendment creates a meaningful partnership between the Federal Government and the States in combating hate crime by establishing within the Justice Department a grant program to assist State and local authorities in investigating and prosecuting hate crimes.

Much of the cited justification given by those who advocate broad Federal jurisdiction over these hate-motivated crimes is a lack of adequate resources at the State and local level. Accordingly, before we take the step of making a Federal offense of every crime motivated by a hatred of someone’s membership in a particular class or group, it is imperative that we equip States and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

Second, my approach undertakes a comprehensive analysis of the raw data that has been collected pursuant to the 28 U.S.C. §334, the law requiring the collection of data on these crimes—a bill that worked very hard to pass. The Federal Government has been collecting this data for years, but we have yet to analyze it. A comparison of the records of different jurisdictions—some with hate crimes, others without—to determine whether there is, in fact, a problem in certain States’ prosecution of hate crimes also is provided for in my amendment.

Before we make all hate crimes Federal offenses, I believe we should provide assistance to the States and analyze whether our assumptions about what the States are doing, or are not doing, are valid.

It is no answer for the Senate to sit by silently while these crimes are being committed. The ugly, bigoted, and violent underside of some in our country that is reflected by the commission of hate crimes must be combated at all levels of government.

For supporters of the Kennedy amendment, Federal leadership constitutes Federal control. I do not subscribe to this view, especially when it comes to this problem. Thus, I oppose Senator KENNEDY’s amendment. It proposes that to combat hate crimes Congress should enact a new tier of far-reaching Federal criminal legislation. That approach strays from the foundations of our constitutional structure—namely, the first principles of federalism that for more than two centuries have vested States with primary responsibility for prosecuting crimes committed within their boundaries.

As important as this issue is, there is little evidence that a broad federalization of hate crimes is warranted. Indeed, it may be that national enforcement of hate crimes, to the extent if States are told the Federal Government has assumed primary responsibility over hate crime enforcement. In addition, serious constitutional questions exist regarding the Kennedy hate crimes amendment. First, the Kennedy amendment, if adopted, would not be a valid exercise of congressional authority under section 5 of the 14th amendment. The Supreme Court has made clear in recent years that legislation enacted by Congress pursuant to section 5 of the 14th amendment may only criminalize action taken by a State. Just last month, the Supreme Court in the recent United States v. Morrison case re-emphasized the State-action requirement that limits Congress’ authority to enact legislation under the 14th amendment. The Court stated:

Foremost among these limitations [on Congressional power] is the time-honored principle that the Founding Fathers, by its very terms, prohibits only state action. The principle has become firmly embedded in our constitutional law that the actions prohibited by the Fourteenth Amendment is only such action as may fairly be said to be that of the States. That
Amendment erects no shield against merely private conduct, however, discriminatory or wrongful.

The Kennedy amendment, however, seeks to prohibit private conduct—crimes of violence committed by private individuals against minorities, religious practitioners, women, homosexuals, or the disabled. It therefore is very similar to the provision of the Violence Against Women Act—a bill I worked very hard to pass, called the Biden-Hatch Act—that sought to prohibit crimes of violence committed by private individuals against women. The Supreme Court in Morrison held that that provision of the Violence Against Women Act was not a valid exercise of congressional power under section 5 of the 14th amendment.

To sure, Congress can regulate purely private conduct under its commerce clause authority. But the Kennedy amendment likely would not be a valid exercise of congressional authority under the commerce clause either.

The Supreme Court’s 1995 decision in United States v. Lopez, and especially its recent Morrison decision, set forth the scope of Congress’ commerce clause power. The Morrison opinion, in particular, changed the legal landscape regarding congressional power in relation to the States. Thus, legislation that was perfectly fine only 2 months ago now raises serious constitutional questions. The Kennedy amendment is not consistent with Lopez and Morrison.

Both Lopez and Morrison require that the conduct regulated by Congress pursuant to its commerce clause power be “some sort of economic endeavor.” The Court has held that a statute that is “a criminal statute that by its terms, does not meet constitutional muster. Here, the conduct sought to be regulated—hate crimes—is in no sense economic or commercial, but instead, by its very nature, is non-economic and criminal in nature, just like the conduct Congress sought to regulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes that were held to be unconstitutional in Lopez and Morrison.

In light of the Morrison decision, the Kennedy amendment makes an effort to require a direct link to interstate commerce before the Federal government can prosecute a hate crime based on sexual orientation, gender, or disability. It permits Federal hate crimes prosecution in four broad circumstances: No. 1, where the hate crime occurred in relation to interstate travel by the defendant or the victim; No. 2, where the defendant used a “channel, facility or instrumentality” of interstate commerce to commit the hate crime; No. 3, where the defendant committed the hate crime by using a firearm or other weapon that has traveled in interstate commerce; and No. 4, where the hate crime interferes with commercial or economic activity of the victim. No. 4, of course, provides an appropriate interstate nexus that would make the legislation constitutional.

First, the interstate travel requirement of the Kennedy amendment’s first circumstance where Federal prosecution would be appropriate does nothing to change the criminal, non-economic nature of the hate crime.

The requirement of the second circumstance, that the defendant commit the hate crime by using a channel, facility or instrumentality of interstate commerce, may provide a interstate nexus, but it is unclear precisely what hate crimes that would encompass: hijacking a plane or blowing up a train. Would even commerce? Such conduct must “substantially affect” interstate commerce.

The third circumstance’s requirement that the defendant have used a weapon that traveled in interstate commerce would blow a hole in the commerce clause; Congress could then federalize essentially all State crimes where a firearm or other weapon is used; for example, most homicides.

Finally, the fourth circumstance’s requirement that the victim be working and that the hate crime interfere with his or her work is analogous to the reasoning the Court rejected in Morrison; that is, that violence against women harms our national economy. In the case of the Kennedy hate crimes amendment, the argument would be that hate crimes harm our national economy and therefore they have a nexus to interstate commerce. The Court in Morrison and in Lopez rejected those “costs of crime” and “national productivity” arguments be essentially with all State crimes to regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce.”

Finally, the Kennedy amendment’s catch-all provision, that the Federal government may prosecute a hate crime only if the crime “otherwise affects interstate or foreign commerce,” not only merely restates the constitutional test, it mistates the constitutional test. To be constitutional, the conduct must be “substantially affect” interstate commerce.

In addition to its constitutional problems, the Kennedy amendment has other deficiencies. The amendment provides that where the hate crime is a murder, the perpetrator “shall be imprisoned for any term of years or for life.” It does not authorize the death penalty for even the most heinous hate crimes. Accordingly, the horrific dragging death of James Byrd, Jr. on a back road in Jasper, TX, for example, under the Kennedy amendment, would provide only for a life sentence. In the Byrd case, however, State prosecutors tried the case as a capital case and obtained death sentences for the defendants. The Kennedy amendment, then, which purports to provide Federal leadership in the prosecution of hate crimes, would not even provide for the ultimate sentence permitted under duly enacted Texas law.

When we asked the Justice Department what type of proof they had that the States are not doing the job, they promised to provide us evidence. I haven’t seen it yet.

That was quite a while ago. There may be, in the eyes of some, and in my eyes, a great reason to try to make Senator Kennedy’s amendment constitutional, and that is what I tried to do in my amendment in order to do something about this if the States are not doing the job. But to this day, I have not had any information indicating the case—from charging the job. And in the Byrd case, they certainly have. In the Shepard case, they certainly have, just to mention a couple of them.

I feel as deeply about hate crimes as Senator KENNEDY or anybody else in this Chamber. But I want to abide by the Constitution. I recall Justice Scalia’s admonition that there should be a presumption that Congress want to enact constitutional legislation, but because of some of the things we are doing, maybe that presumption is unjustified.

Supporters of the Kennedy amendment have claimed that it will create a partnership with State and local law enforcement. They have delicately described the legislation as being deferential to State and local authorities as to when the Justice Department will exercise jurisdiction over a particular hate crime. This is hogwash. The legislation does not formally insert itself into a local hate crime prosecution at the beginning, middle or end of the prosecution, even after the local prosecutor has obtained a guilty verdict. Even if the Justice Department does not formally insert itself into the particular case, it nevertheless will be empowered by the legislation to exert enormous pressure on local prosecutors to prosecute hate crimes, and especially those involving State and local authorities at all. It would leave the Justice Department free to insert itself in a local hate crime prosecution at the beginning, middle or end of the prosecution, even after the local prosecutor has obtained a guilty verdict. Even if the Justice Department does not formally insert itself into the particular case, it nevertheless will be empowered by the legislation to exert enormous pressure on local prosecutors regarding the manner in which they handle the case—from charging the decision that they are not doing their job. And in the Shepard case, they certainly have, just to mention a couple of them.

By contrast, my amendment would address the issue of hate crimes in a responsible, constitutional way—by assisting States and local authorities in their efforts to investigate and prosecute hate crimes. It provides for a study of this issue to see if there really are States and local governments out there who, for whatever reason, are not investigating and prosecuting hate
Mr. HATCH. Madam President, I seek recognition.

Mr. HATCH. Thank you, Madam President.

Madam President, on this Memorial Day, we honor the efforts of our brave and love our brave. I am proud of the contributions of the brave and those who have laid down their lives for our country. In this Senate, we have done our part.

In 1862, President Abraham Lincoln said to Congress, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is filled with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew."

In that very spirit, I encourage this body to question the dogma that federal leadership must include federal control, and I encourage this body to act and err on the side of funding and support for our local people to do what they can. The lack of resources to do so.

In summary, we must lead—but lead with the constitutional boundaries governing any legislative action we take.

More than any of us can now imagine, President Abraham Lincoln said to Congress in 1862 that the "dogmas of the quiet past" were "inadequate to the stormy present. The occasion is filled with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew."

That I helped to do years ago along with Senator Kennedy. That study would help us to find out just what is happening in our society and whether or not the State and local governments are inadequate or incapable or unwilling to investigate and prosecute hate crimes.

Two, we would provide for an intergovernmental assistance program. We provide on this Memorial Day, we honor the efforts of our brave and love our brave. In this Senate, we have done our part.

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Two, we would provide for an intergovernmental assistance program. We provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or the prosecution of crimes that, one, constitute a crime of violence; two, are a felony under relevant State law; and three, are motivated by animus against the victim by reason of the victim's membership in a particular class or group.

My amendment would provide for Federal grants. We authorize the Attorney General, in cases where special circumstances exist, to make grants of up to $100,000 to States and local entities to assist in the investigation and prosecution of hate crimes. We require that the Attorney General shall approve or disapprove grant applications within 10 days of the date of receipt. We provide that the Attorney General shall report to Congress on the effectiveness of the program and conduct an audit to assure that the grants awarded are used properly.

What we do not do is we do not create a new Federal crime. We do not give the Justice Department jurisdiction over crimes that are motivated because of a person's membership in a particular class or group; that is, the Hatch amendment does not Federalize crimes motivated because of a person's race, gender, religion, sexual orientation, or disability.

To enact such a broad federalization of hate-motivated crimes would raise serious constitutional concerns. In addition, the Kennedy amendment would federalize all rapes and sexual assaults and, in so doing, would severely burden Federal law enforcement agencies, Federal prosecutors, and Federal courts.

My amendment does not authorize Federal interference with State and local investigations and prosecutions. It is not our job to second-guess the investigation and prosecution and sentencing decisions of State and local authorities in cases involving hate crimes. As such, my amendment recognizes the significant efforts of State and local law enforcement in investigating and prosecuting all violent crimes, including hate crimes.

In other words, my amendment would provide the analysis, study, and data to determine whether or not the States are falling or refusing to combat these horrible crimes. It provides the Government assistance to be able to help the State and local people to do their job in that area. Of course, we provide various other kinds of assistance that could be helpful in this matter.

Madam President, I have taken enough time. Parliamentary inquiry. Is it time to send the amendment to the desk of the PRESIDING OFFICER? The Senator can send his amendment to the desk of the PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is as follows: At the appropriate place, insert the following:

(a) STUDIES.—

(i) COLLECTION OF DATA.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Attorney General, in consultation with the National Governors' Association, shall select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are:

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Attorney General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Attorney General of the United States shall identify any trends in the commission of relevant offenses specifically by—
I don’t think anybody should have to suffer from hate crime activity. I think my amendment does not go as far as the Senator’s amendment, but it will certainly handle the problem in a way that respects federalism, respects the Constitution, and respects the nine decisions of the Supreme Court over the last 8 years that have reinforced the principle of federalism. In the end, I think my amendment will do what all of us here on the floor would like to see done—promote the investigation and prosecution of hate crimes—in a way that is constitutionally sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me say at the outset to my colleague and friend, the Senator from Utah, Mr. HATCH, that it was my honor to serve with the Senator from Utah. I think when it comes to hate crimes, this is an issue for the States, too. I think it comes down to a classic debate: Is this issue any business of the Federal Government?

Mr. HATCH. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. Madam President, I haven’t said this isn’t an issue for the Federal Government. I think it may be. But the point is, we ought to get the facts, and we ought to find out if State and local authorities are failing or refusing to investigate and prosecute hate crimes. We ought first to find out whether State and local authorities are, in fact, denying individuals the equal protection of the laws. So far, the Justice Department has produced precious little evidence to the Judiciary Committee that would indicate their responsibility to combat hate-motivated crimes. And we asked for the Justice Department to get us this information, if there is any, a long time ago.

Yet we have had actually nine decisions by the Supreme Court over the last 8 years reinforcing the principle of federalism—the principle that State governments and the Federal government have distinct areas of responsibility. It is true that these Court decisions are, in many instances, 5-4 decisions, which shows again how important the Supreme Court really is in all of our lives.

I am a proud cosponsor of the Violence Against Women Act. I remember the passion when we passed it. There were real concerns whether it would be upheld by the Supreme Court. Part of it was not upheld by the Supreme Court, the part that I was concerned about. But up to that point, I thought there was a chance when it was initially drafted. When the debate came on about the rights of women, it was usually couched in terms of federalism: Should the Federal Government get involved in this; or, this is a State issue.

We can remember the hot debates over the equal rights amendment and all that entailed. The same thing has been true throughout history, the way I read it—whether we are talking about blacks, women, or people of a certain faith, or whether we are talking about people who have certain disabilities. We have always come down to this debate: Is this issue any business of the Federal Government?

I respectfully disagree with my colleagues. I think that the Senator from Utah. I think it comes down to a classic debate: Is this issue any business of the Federal Government?

Mr. HATCH. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

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I respectfully disagree with my colleagues. I think that the Senator from Utah. I think it comes down to a classic debate: Is this issue any business of the Federal Government?
challenge. And I think that we ought to at least make an attempt to abide by the Constitution, if nothing else. This is not a matter of States rights. I think there may be a role for the Federal Government. But right now, let’s at least get the facts. In the process, we can lend assistance, both financial and otherwise, to the States to help them with these serious problems. I believe he is very sincere. It is true that we agree on much more than just a few things.

But I just want to make it clear that my amendment offers a different approach—an approach that I think is constitutional and will get us there without going through another 2 or 3 years and then having it overruled as unconstitutional and having to start all over again. I know that the amendment I have offered is constitutional. I know we can implement it from day one, without any fear that it will be struck down by the Supreme Court as violative of the Constitution. And I know it will make an impact and really do something about hate crimes, rather than just make political points on the floor.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Utah.

Let me say first how proud I am to co-sponsor the legislation that has been introduced by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from the State of Oregon, Mr. SMITH. It is bipartisan legislation. Senator CARL LEVIN of Michigan is also one of the authors of it as well.

The difference, as I understand it, between the proposal of the Senator from Utah and the proposal of Senators KENNEDY and SMITH really comes down to one basic point. As I understand it, the Senator from Utah is looking to, first, provide grants to States and localities so they can prosecute these crimes when they are found deserving; and, second, to study the issue to determine whether or not there is a need for Federal legislation.

As I understand the amendment before us by Senators KENNEDY and SMITH, it basically creates a Federal cause of action, expanding on what we now have in current law in terms of hate crimes, and expanding the categories of activities that would be covered by this hate crime legislation.

I say to the Senator from Utah, if he is on the floor, I believe the Senator from Massachusetts will provide ample evidence of the need for this legislation. The statistics are not only there but they are overwhelming in terms of the reason he is introducing this amendment and why we need this national cause of action.

Second, during the course of my remarks I would like to address squarely the issue raised by the Senator from Utah as to whether or not we have the authority to create this cause of action.

The Senator uses recent Supreme Court decisions relating to the commerce clause. When it comes to the Violence Against Women Act, it is my understanding the Supreme Court ruled that they could not find the necessary connection between the Violence Against Women Act and the commerce clause to justify Federal activity in this area.

If the Senator from Utah will follow this debate, I think he will find that the Senator from Massachusetts and the Senator from Oregon are taking a different approach in this case by using the 13th amendment as a basis for this legislation. They also establish an option of the commerce clause. But they are grounding it on a 13th amendment principle of law and Federal jurisdiction, under which our Department of Justice agrees would overcome the arguments that have been raised in the Supreme Court under its current composition of overextension of the commerce clause.

I hope as the Senator from Utah reflects on this debate, the information provided by the Senator from Massachusetts, and the new constitutional approach to this, that he may reconsider offering this amendment. As good as it is to study the problem further and to provide additional funds, it doesn’t address the bottom line; that is, to make sure there will at least be the option of a Federal cause of action in every jurisdiction in America.

I would be happy to yield to the Senator from Utah for a question.

Mr. DURBIN. If the Senator will look...
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found too many cases arising which do not fall within the four corners of these six federally protected activities. Therefore, they are offering an amendment which gives Federal prosecutors more opportunity to consider the possibility of prosecution.

I am wearing a button today that says "Remember Matthew." Matthew, of course, is Matthew Shepard. Two years ago, Matthew Shepard, an openly gay college student in Wyoming, was brutally beaten. He was burned, he was tied to a wooden fence in a remote area, and left to die in freezing temperatures from exposure.

Despite this heinous act which we all read about, no Federal prosecution was even possible under the Shepard case. The existing State crime law and federally protected activities that are defined in it, because include what happened to Matthew Shepard. The current Federal statute does not include hate crimes based on a victim's sexual orientation, gender, or disability. The Kennedy-Smith amendment, which I am co-sponsoring, corrects that very grievous omission.

I think the Senator from Utah would concede that when we are talking about hate crimes, we should certainly include crimes based on sexual orientation, gender, or disability. That Matthew Shepard case would not have been included, as I understand it. That is why the Kennedy-Smith amendment is so important.

Mr. HATCH. If the Senator will yield, I am having a little bit of difficulty, so I ask how the 13th amendment applies. As I read the 13th amendment, it says, in section 1:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

In section 2:

Congress shall have power to enforce this article by appropriate legislation.

How does the Kennedy amendment qualify under the 13th amendment? As I made clear, it doesn't qualify under the 14th amendment because of the arguments I made, pure Supreme Court decisions, that are recent in decision. I missed something on the 13th amendment, which would have been the amendment that abolished slavery.

Mr. DURBIN. Let me reply.

Mr. HATCH. Please tell me. This is a sincere question.

Mr. DURBIN. I am happy to defer to the sponsors of the amendment to respond and yield time if they desire.

The information I have been given is this: Under the 13th amendment, Congress may prohibit hate crimes based on actual or perceived race, color, religion, national origin, pursuant to that amendment. Under the 13th amendment, Congress has the authority not only to prevent the "actual imposition of slavery or involuntary servitude" but to ensure that none of the "badges and incidents" of slavery or involuntary servitude exist in the United States.

What the Justice Department and what the sponsors of this amendment have concluded is that the 13th amendment gives the appropriate Federal jurisdiction and nexus to pursue this matter under the question of whether or not this is a badge or incident of that form of discrimination.

I don't want to go any further. I am sure the Senator from Massachusetts will explain this in more detail, but this 13th amendment nexus, I think, overcomes the concern of the Senator from Utah about the interpretations recently handed down.

Mr. HATCH. I don't mean to keep interrupting, but as I read that, I can see if there is anything whereby the Kennedy amendment is after a hate crime of keeping somebody involuntarily in servitude, but I don't know of any of those today. I am sure that may happen. We are talking about all kinds of hate crimes that certainly don't fit within that. If that is the way we are going to get at it, I think that is a very poor way of getting at a resolution for a hate crime problem.

Reading again, section 1:

Neither slavery—

And I don't know of many instances of slavery in this day and age; in fact, I don't know of any, but there may be some. But we can get them constitutionally, right now, if they do that — nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Section 2:

Congress shall have power to enforce this article by appropriate legislation.

If there is such a thing, if there is such a hate crime today as slavery, or involuntary servitude not required because of a due conviction, then we have the absolute power today, federally, to go in and prosecute under the Constitution itself under the 13th amendment.

Maybe I am missing something, or maybe I just haven't thought it through or I am too tired. I can't see how the 13th amendment provides a nexus whereby the Kennedy amendment becomes constitutional. It doesn't. In some ways, I wish the Kennedy amendment were constitutional. I worked hard back in those days to pass the Violence Against Women Act. I am working hard right now to pass it again in a form that is constitutional. We thought it was constitutional. I have to say, I had my qualms about it and my qualms proved to be accurate.

Today, we know what the Court has handed down in the last few years, and ignores the principle of stare decisis and ignores the principle of federalism, I suppose that at that point you could enact the Kennedy legislation with impunity. But right now, I don't know how you do it if we, as Members of Congress, are trying to exert our influence and our obligation and our oath to uphold the Constitution of the United States.

I am sorry to interrupt.

Mr. DURBIN. I am happy to yield to the Senator from Utah. Let me say parenthetically I think there is more value to this dialog and exchange than many monologs we hear on the Senate floor.

I thank the Senator for his interest and staying to question me, and I am sure we will question him during the course of this debate.

I know there are other Members seeking recognition at this point. I will try to get up.

I do not want to in any way misrepresent the amendment that is been offered by Senators KENNEDY and SMITH. I think the statements I have made to date are accurate. The Local Law Enforcement Enhancement Act that is before us, the Kennedy-Smith amendment, was drafted carefully and modified to assure its constitutionality under current Supreme Court precedents, as has been referred to by the Senator from Utah. It has been reexamined on the basis of the Morrison decision. Moreover, the Department of Justice and constitutional scholars have examined this bill and have confidently determined that the Local Law Enforcement Act will stand up to constitutional scrutiny.

Congress may prohibit hate based on race, color, religion, or national origin pursuant to its power to enforce the 13th amendment to the U.S. Constitution because under the 13th amendment Congress has the authority not only to prevent the actual imposition of slavery or involuntary servitude but to ensure that none of the "badges and incidents" of slavery or involuntary
The violence against women act civil remedy of the Violence Against Women Act pursuant to the 14th amendment, which goes to the very point of the Senator from Utah. He reads the 13th amendment to be introduced.

None of the Supreme Court’s recent Federalism decisions cast doubt on Congress’ powers under the 13th amendment to eliminate the badges and incidents of slavery. United States v. Morrison involved legislation that was found to exceed Congress’ powers under Lopez case, the Violence Against Women Act in Morrison, for example, found Congress lacked the power to enact the civil remedy of the Violence Against Women Act pursuant to the 14th amendment because the amendment’s equal protection guarantee is limited only to “state action.” The Senator from Utah, who was one of the proponents of this and deserves high praise for it, makes this point in his opening statement on his amendment.

Since the Violence Against Women Act was interpreted by this Court to go beyond State action—that is, Government action—the Court struck it down. We are trying our best to reinstate it, but that is the standard. The 13th amendment, however, not the 14th amendment, which they used to strike down the Violence Against Women Act, plainly reaches private conduct as well as Government conduct, and Congress thus is authorized to prohibit private action that constitutes a badge, incident, or relic of slavery.

Moreover, this hate crimes amendment would not only apply except where there is an explicit and discrete connection between the prescribed conduct and interstate or foreign commerce, a connection that the Government would be required to allege and prove in each case. This is consistent with Morrison. Like the prohibition of gun possession in the statute at issue in the Heller case, the Violence Against Women Act civil remedy required no proof of connection between the specific conduct prohibited and interstate commerce. This amendment requires that a nexus exist between the prohibited conduct and interstate or foreign commerce.

Madam President, there are many who believe that a hate crime prevention statute is unnecessary. I don’t put the Senator from Utah in that category. It is clear he is opposed to hate crimes, and I trust his word. I believe he is genuine when he says it. The question is, Who will have the power to enforce it? If the Senate neither has the authority nor wants the authority, if the State does not want to prosecute a hate crime, and yet it has been committed and truly there is a victim, the Kennedy-Smith amendment says we will create the opportunity for a Federal cause of action.

We are not forcing the Federal cause of action, but only in the instance where the State either doesn’t have authority or has not exercised the authority or in fact defers to the Federal Government or in fact has completed its prosecution and left open the opportunity for such a Federal cause of action.

I wish we did not even have to debate hate crimes legislation. Alan Bruce of my staff has been a person I have turned to many times on issues of this magnitude on this subject. He was the only man to wear the patch to wear in the Chamber and can remember Matthew Shepard. It is a grim reminder that there are still people in America who will not accept tolerance as the norm, and if we think it is rare, we only have to look no further than the technology of the Internet to find the hate being spewed on so many web sites, efforts by small-minded people in this democratic society to turn our anger against our brothers and sisters who live in America, who happen to be a different color, a different religion, a different gender. This amendment would not only have to be the next year to wear in the Chamber and can remember Matthew Shepard. It is a grim reminder that there are still people in America who who call for an extended psychological discourse on the makeup of the American population. Quite frankly, the issues are fairly simple. America stands for the constitutional principle that all men and women are created equal and that we are all guaranteed the rights of life, liberty, and the pursuit of happiness regardless of who we are or where we are from or what we think, what our political views are, or what is the essence of our makeup as a human being. That is a right that is guaranteed to all Americans in the Constitution. I think no one really questions that.
That principle does not mean everyone in America has to agree with everybody else. In fact, I think that, far from it. I think that, in fact, encourages diversity of thinking, differences among competing ideas, and differences among the respected beliefs of all the people who make up our great Nation.

That constitutional principle does not even mean that we have to like each other. Certainly there are instances when Catholics do not like Protestants, and Protestants do not like Jews, and Jews do not like Muslims, and Cajun Americans may have differences with British Americans. For that reason alone they do not particularly care for each other; they do not like each other; they do not want to associate with each other. That also is their right guaranteed as their right in this country to take that opinion of people with whom they disagree. But our constitutional principles do, in fact, guarantee clearly that we as Americans cannot do violence or do harm to other people in our country, especially when that violence or harm is based solely on whom these other people might be.

To do violence solely because of someone's religious beliefs, their personal ideas, or concepts about what is right and what is wrong, or because of their religion or where they are from is especially repugnant to all of us as Americans. You do not have to like everybody, but you certainly cannot harm anybody, and especially you cannot harm anybody solely for whom they happen to be or who they are.

This legislation then is aimed at adding crimes that are motivated by a bias against people solely because of their gender or solely because of their sexual preference or perhaps because of some disability they might have. I, therefore, think this legislation which the authors bring to the Senate is appropriate and should be supported. It will send a clear message throughout this country that these types of activities in this country will not be tolerated.

Again, in America, our right to not embrace or befriend someone with whom we do not want to be associated, for whatever reason, is guaranteed. But what is also guaranteed is our right under the Constitution of the United States to be protected against violence and harm that others might do unto them solely because of who they are.

As Americans, we certainly should be proud of our multicultural and multi-ethnic heritage. We are a diverse nation and when we look at other nations that are having problems because of their heritage or their diversity, we can be proud in this country that we, in fact, do not have many others. Therefore, this legislation sends a strong and clear message that domestic terrorism and violence against people in our country based merely on who they are or what they believe is something that deserves national protection, and Federal legislation in fact, is important.

A hate crime against any American is a crime against all Americans, and this legislation saying that is a Federal right upon which we will insist is appropriate and proper and deserves our support.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon to speak for this legislation and commend Senator KENNEDY for his sponsorship, along with my colleagues, of this legislation. Senator KENNEDY has long been an advocate for a society in which individuals reach out not with hate but with fellowship. I am pleased to see other supporters, like Senator SMITHE, who are also in the vanguard of this great effort.

This afternoon we are here because of the murders of James Byrd and Matthew Shepard and others—because these acts of violence tear at the very fabric of our society.

Unfortunately, over the past 2 years, we have seen far too many cases of these types of crimes of violence, motivated strictly by prejudice and hatred of people, not because of their character but because of some perception of their failings in the eyes of others.

In my own State of Rhode Island, in May 1998 a group of seven to ten men stomped and battered a Cranston bartender and an acquaintance as they were coming out of a Providence night club, while laughing and screaming anti-gay epithets. The waiter suffered fractured bones in his jaw, head and collarbone, cracked ribs, and a puncture wound to his chest caused by a broken bottle. The acquaintance suffered a fractured eye socket and bruises.

According to Providence, Rhode Island city officials, the number of hate crimes reported in Providence has grown in recent years. In 1998, 25 such crimes were reported, and last year, 32 were reported.

In February 1999, in an incident which took place in Pawtucket, Rhode Island, two men were walking home with a female friend from a church function when they were assaulted by a third man. While yelling obscenities and anti-homosexual slurs, the third man hit one of the men over the head with a full wine bottle, and then jumped on top of him and punched him repeatedly in the face and head. He then threw him up against a brick wall and continued to hit him while yelling anti-gay epithets.

In California, three men pled guilty to a racially motivated assault outside a Latino couple's residence.

In Ohio, a 23-year-old Hispanic male was gunned down by three assailants. Police reported it as a racially motivated incident.

This amendment would simply extend the current definition of Federal hate crimes to include crimes committed on the basis of someone's gender, sexual orientation, or disability. It would allow the Federal Government to prosecute an alleged perpetrator who commits a violent crime against someone just because that person is gay, blind, or female.

This amendment basically brings our civil rights statutes in line with the most recent definition of hate crimes promulgated by this Congress.

This amendment also eliminates the restrictions that have prevented Federal involvement in many cases in which biases motivated violent crimes.

It also supports State and local efforts to prosecute hate crimes by providing Federal aid to local law enforcement officials. In particular, it authorizes the Justice Department to issue grants of up to $100,000 to State, local, and Indian law enforcement agencies that have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

This amendment does not federalize all violent hate crimes. It provides for Federal involvement only in the most serious incidents of bodily injury or death, and only after consultation with State and local officials, a policy that is explicitly reflected in a memorandum of understanding entered into by the Department of Justice with the National Association of District Attorneys last July.

Finally, the Department of Justice has reviewed this amendment and believes it does meet the constitutional standards recently articulated in Supreme Court cases. For crimes based on gender, sexual orientation, disability, religion, and national origin, the amendment has been carefully drafted to apply only to violent conduct in cases that have an "explicit connection with or effect on interstate commerce."

This amendment has attracted broad bipartisan support from 42 Senators, 311 Members of the House of Representatives, 22 State attorneys general, and more than 175 law enforcement, civil rights, and religious organizations. This demonstrates the huge support (for strengthening Federal hate crimes legislation, support) which cuts across party lines and which reaffirms a fundamental belief and tenet of our country: That people should be able to be individuals, to be themselves without fear of being attacked for their individuality, for their personhood, for their very essence.

These hate crimes are very real offenses. They combine uncontrolled bigotry with vicious acts. These crimes
not only inflict personal wounds, they wreak havoc on the emotional well-being of people throughout this country, because they attack a person’s identity as well as his or her body. Although bodies heal, the scars left by these attacks on the minds of the victims are deep and often endure for many years.

There is no better way for us to reaffirm our commitment to the most basic of American values: the dignity of the individual and the right of that individual to be himself or herself. We can do that by voting in favor of this amendment. I believe it is our duty. I am pleased to join this great debate and lend my support to this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to support the Hate Crimes Prevention Act. I applaud Senators KENNEDY and SMITH of Oregon, and others for putting this amendment on the Department of Defense authorization bill which will be of great assistance in the prosecution of hate crimes.

This legislation will provide the Federal Government a needed tool to combat the destructive impact of hate crimes on our society. The amendment also recognizes that hate crimes are not just limited to crimes committed because of race, color, religion, or national origin, but are also directed at individuals because of their gender, sexual orientation, or disability.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Hate crimes not only target individuals but are also directed to send a message to the community as a whole. The adoption of this amendment would help our State and local authorities in pursuing and prosecuting the perpetrators of hate crimes.

Many States, including the State of Vermont, have already passed strong hate crimes laws. I applaud them for their endeavor. An important principle of this amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these crimes.

Under this amendment, Federal prosecutions would still be subject to the current provision of law that requires the Attorney General or another senior official of the Justice Department to certify that a Federal prosecution is necessary to secure substantial justice. Such a requirement under current law has ensured that States will not lose any adjudicators of the perpetrators of hate crimes, not the Federal Government. Additionally, Federal authorities will consult with the State and local law enforcement officials before initiating an investigation or prosecution. Both of these are important provisions to ensure that we are not infringing on the rights of States to prosecute these crimes.

Senate adoption of this amendment will be an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. I urge my colleagues to take a strong stand against hate crimes by supporting this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Has the Senator from Vermont completed his statement?

Mr. JEFFORDS. Yes. I have yielded the floor.

Mr. REID. Mr. President, in Las Vegas a gay man was shot to death because he was gay. In Reno, someone went to a city park with the specific purpose to find someone who was gay, found him, and killed him. These types of incidents have happened not once, not twice, but dozens of times in Nevada, and thousands of times around this country.

I only mention two of the occasions where someone’s son, someone’s brother was killed. They were human beings. These people were attacked because of wanting to steal from them, not because of wanting to do anything other than to kill them because of who they were. They were killed because someone hated them.

Mr. President, I rise today in support of the Local Law Enforcement Act of 2000. I am an original cosponsor of the freestanding legislation authored by the senior Senator from Massachusetts, Mr. KENNEDY. I commend Senator KENNEDY for his tireless efforts to ensure that the Senate consider and pass this important and much-needed measure. This is an important legislation, and I am very happy that we are now at a point where this legislation can be debated in the Senate.

Hate crimes legislation is needed because, according to the FBI, nearly 60,000 hate crimes incidents have been reported in the last 8 years. In 1998, the latest year for which FBI figures are available, nearly 8,000 hate crimes incidents were reported. But these figures are more frightening when we ponder how many hate crimes are not reported to law enforcement authorities.

Unfortunately, the Federal statutes currently used to prosecute hate-based violence need to be updated. That is what Senator KENNEDY is doing. These Federal laws, many of which were passed during the Reconstruction era as a response to widespread violence against former slaves, do not cover incidents of hate-based crimes based upon a person’s sexual orientation, gender, or disability. In 1998, again, the last year for which statistics are available, there were 1,360 hate crimes incidents based on sexual orientation reported to law enforcement. Many more took place. These are only the ones that were reported. This figure, which represents about 16 percent of all hate crimes reported in 1998, demonstrates that current law must be changed to include sexual orientation under the definition of hate crimes.

I have listened to the debate on the floor today. I think we all have some remembrance of the terrible series of events which occurred in Jasper, TX, a couple years ago. On June 7, the country paused to remember the second anniversary of James Byrd, Jr.’s horrific death, when he was dragged along a rural back road in Texas. This man was just walking along the road when certain people, because of the color of his skin, grabbed him, beat him, and if that wasn’t enough, they tied him, while he was still alive, to the back of their pickup and dragged him until he died.

Due to the race-based nature of the Byrd murder, Federal authorities were able to use the Defense Authorization bill, including Federal dollars, to aid in the investigation and prosecution of that case to ensure that justice was served. Unfortunately, the same cannot be said about another case that has already been talked about here on the floor today; the case of Matthew Shepard. He was a very small man. In spite of his small size, two men, assisted by one or both of their girlfriends, took this man from a bar because he was gay, and, among other things, tied him to a fencepost and killed him.

This was gruesome. It was a terrible beating and murder of this student from the University of Wyoming. But, what makes this case even more disturbing is that Wyoming authorities did not have enough money to prosecute the case. They did, of course, but in order to finalize the prosecution of that case, they had to lay off five of their law enforcement employees. The local authorities could not use any Federal resources because current hate crimes legislation does not extend to victims of hate crimes based upon sexual orientation.

If there were no other reason in the world that we pass this legislation than the Matthew Shepard case, we should do it. I have great respect for those people in Wyoming who went to great sacrifice to prosecute that case.

The hate crimes legislation being offered today is a sensible approach to combat these crimes based upon hate. The measure would extend basic hate crimes protections to all Americans, in all communities, by adding real or perceived sexual orientation, gender, or disability categories to be covered.

The amendment would also remove limitations under current law which require that victims of hate crimes be engaged in a federally protected activity.

There may be those who are listening to this debate and wondering why we need to protect those people who are handicapped or disabled? We need only
look back at some of the genocide of the Second World War and recognize that Hitler was totally opposed to one who was not, in his opinion, quite right. He went after people who had disabilities.

So there are people, as sad as it may seem, who not only are hateful of people who are of a different color, a different religion, a different sexual orientation, but also someone who does not have all their physical or mental capacities.

We must give law enforcement the tools they need to combat this kind of violence, to help ensure that every American can live in an environment free of terror brought on by hatred and violence.

As Senator Kennedy will say, this amendment has been carefully drafted and modified to assure its constitutionality under current Supreme Court precedents. It has been reexamined in the light of the recent Morrison decision which invalidated the civil rights remedy in the Violence Against Women Act. I appreciate the work done by Senator Kennedy and the Judiciary Committee for taking such a close look at this legislation.

I have shared with my colleagues two incidents in Nevada. There are many, many others. There are incidents in all 50 States and the District of Columbia of people who have been kidnapped, beaten, raped, and murdered as a result of their sexual orientation. Court records reveal that in each of these cases, with rare exception, there is hate that spews out of these people’s mouths before the act takes place, derogatory names and slurs as they are taking people to their deaths, brutal sadistic murders.

These victims are someone’s son, someone’s daughter, someone’s brother, someone’s sister, someone’s loved one. People should not be killed because they are different; they should not be killed because someone has a certain, misguided standard of how someone else should be. People should not be killed because of hate.

We live in America, the land of freedom and opportunity. We should make sure we stand for morality based upon people’s accomplishments, not because of their race, color, creed, or sexual orientation.

I extend my congratulations to Senator Kennedy for the work he has done. I hope these two men, Senators Hatch and Kennedy, who have worked so closely on legislation over the years, will see that this important aspect of the law which needs to be revised is revised in such a way that we can all hold our heads high and say: When these crimes take place in the future, authorities in States such as Wyoming will not have to lay off five law enforcement officers to prosecute the crime.
with a severed head and left at the top of a footbridge in James River Park near a popular gay meeting place. In Crystal City, Va., a Japanese American shopowner was shot to death outside of Chicago, based upon the fact of discrimination against Asians. Three synagogues in Sacramento, in July of 1999, were destroyed by arson on the basis of anti-Semitism.

These things are happening today. With all due respect to my friend and colleague from Utah, his legislation is basically to have a further study about whether these kinds of activities are taking place. This amendment that he has, on page 1, talks about studies, the collection of data, the data to be collected. Then it shows the number of relevant offenses, the percentage of offenses prosecuted. It continues on with the issue of bigotry and hatred that it has provisions for grants to local communities, and eligibility, and grants of $100,000.

We have had the FBI doing the study for the last 10 years. We have the figures that the FBI has produced. The one thing that the FBI has testified to, and is very clear about in their studies, is they believe it is vastly understimating the amount of hate crimes that are taking place, because in so many instances there isn't the local training or prioritizing of hate crimes by local communities and State communities in order to collect the information or data on this.

So we do know that this is happening today. It is happening in increasing numbers. The reports that we do have basically underestimate the amount of action and activity that is taking place, and the States themselves—some of them—have taken action. But very few, if any, have taken the kind of comprehensive action we are talking about.

There are enormous gaps in the activities of the States in the kinds of protections they are providing. Others have talked about it, and I am glad to get into the various kinds of protections that we are talking about here, the reasons for this legislation. Again, I say, this is our opportunity—and tomorrow—to say whether we are going to be serious about taking action in this area of the Senate now.

We have the same issue in a different form. In the early 1960s, we had discrimination against blacks because we were not going to permit them to vote. We passed legislation and then implementing legislation. We said we were not going to protect discrimination and bigotry, discriminating against blacks in housing. We did the same regarding the disabled on the Americans With Disabilities Act. We made progress on discrimination against women in our society, and we have made progress as well in terms of understanding the various challenges on freeing ourselves from some forms of discrimination on the basis of sexual orientation—although we have made very little in that area.

The question is not the issue on sexual orientation. It is about violence against individual Americans. That is what it is about when you come down to it. It is violence based on bigotry. You can read long books about the origins of hatred and the origins of bigotry and how they develop against individuals or individual groups. Many of them are different in the way that they did develop. But there is no difference about what is there basically when it is expressed in terms of violence. It is still violence against those individuals, and that is what we are attempting to address.

I will put in the RECORD the various justifications, in terms of the constitutional issues. We can get into those and debate and discuss those in the course of the evening. We believe we are on sound basis for that. We have spent a great deal of time in assuring that the legislation was going to meet the challenges of Supreme Court decisions. I believe that we do. I respect those who believe we have not. But we are talking about taking action and doing it now.

There are all kinds of reasons in this body why not to take action. But if we want to try to respond to the problems of hate crimes in our society, this is the way to do it. It is a bipartisan effort, and it has been since the development of our initial efforts under the leadership of Senator Simon and others a number of years ago, with just the collection of material. It has been, since that time, basically bipartisan, and it is on this measure now. It is whether we in the Senate are going to say that we have enough of the Matthew Shepard cases, that we have enough prejudice and discrimination and expression of violence against Jewish individuals in our society, and we have had enough in terms of the violence against those who have a different sexual orientation. That is what the issue is, no more and no less.

I want to take a few moments, and if others want to address the Senate, I will obviously permit them to do so. I mean, I think my colleagues about how this particular legislation has been fashioned and has been shaped. It is targeted, it is limited, it is responsive in terms of its constitutional standing and how it basically supplements the work of the States. We are attempting to deal with those issues, and how it is positive in terms of helping those States, and how, in many circumstances—for example, in a number of the rapes or aggravated sexual assaults, because criminal penalties under case law as are actually more severe than under Federal laws, the prosecution quite clearly would fail in those circumstances.

As has been pointed out, in all the hate crimes prosecutions, the Federal authority to consult with the State and local enforcement officials before initiating an investigation or prosecution. The Federal jurisdiction allows the States to take advantage of the Department of Justice resources and personnel, in if the State authorities ultimately bring the case, the Federal jurisdiction also allows the Attorney General to authorize the State prosecutor to bring a case based on Federal law, when that should be important or necessary.

In cases where the States have adequate resources to investigate and prosecute a case and it appears determined to do so, the Federal Government will not file its own case. As has been the case under existing law, prosecutions under expanded case law would occur primarily in four situations: where the State does not have jurisdiction or the State prosecutors decline to act; or, after consultation between Federal and local authorities there is a consensus that a Federal prosecution is preferable because of the higher penalties and procedural advantages due to the complexity of the case; third, the State authorities request to the Justice Department assuming jurisdiction; or fourth, that the State prosecution does not achieve a just result and the evidence warrants a subsequent Federal prosecution.

Those are very limiting factors because they effectively give the States veto rights over Federal jurisdiction. We are talking about having an extremely effective remedy, one that will be in the interest of justice but one that is carefully sharpened in terms of its scope to make sure that we maintain local involvement and consider local priorities.

The point is made that the Federal Hate Crimes Act would, in many cases, continue to overlap State jurisdiction. People have opposed this proposal for that reason. Violent crimes, whether motivated by discriminatory animus or not are generally covered under State laws, such an example. For example, there is overlapping Federal jurisdiction in cases of many homicides, in bank robberies, in kidnappings, in fraud, and other crimes. We have been willing to do it in other circumstances, and I believe that we must have overlapping jurisdiction for violent crimes based on animus and hatred as well. We must take meaningful
steps to do something about it. Clearly, I think we have an important responsibility to act.

The importance of the amendment is to provide a backstop to State and local enforcement by allowing a Federal prosecution, if it is necessary, to achieve an effective just result and to permit Federal authorities to assist in local investigations.

As has been mentioned, every Federal prosecutor would have to prove motivation beyond a reasonable doubt in all cases. The prosecution would present evidence that indicated that a motivating factor in the defendant’s conduct was bias against a particular group. That is a question for the jury to decide. Obviously, the prosecutor must convince the jury that the crime was based upon bias in order to secure a conviction.

I withhold and yield the floor.

The PRESIDING OFFICER (Mr. FitzGerald). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened carefully to the comments of the colleague. He knows I have great respect for him in regard to civil rights matters. I have great commendation for him. I feel deeply, as he does. However, there is no use kidding about it. I think we ought to be prudent in the approach that we take. I think we ought to be constitutionally sound as well.

In all of the comments of my dear friend, he still hasn’t answered this basic question, which is: Can those who are pushing this very broad legislation that would federalize all hate crimes—and all crimes are hate crimes, by the way. I believe that is, if not wholly true, certainly substantially true—but can those who want to enact this broad legislation federalizing all hate-motivated crimes tell me the number of instances, if any, in which State or local authorities have refused or failed to investigate and prosecute hate crimes? If there are any cases in which State or local authorities have refused or failed to investigate and prosecute a hate crime, was it because the State or the local jurisdiction was unwilling, for whatever reason, to bring the prosecution?

These questions haven’t been answered. We asked them at the hearings, and the Justice Department couldn’t answer them. In fact, Deputy Attorney General Holder testified that States and localities should be responsible for prosecuting the overwhelming majority of hate crimes. He said:

State and local officials are on the front lines an enormous job in investigating and prosecuting hate crimes that occur in their communities. In fact, most hate crimes are investigated and prosecuted at the State level.

That is the Deputy Attorney General of the United States of America.

We have never denied that hate crimes are occurring. Nobody can deny that. I want to get rid of them as much as anybody—certainly as much as the distinguished Senator from Massachusetts.

But we have yet to hear of specific instances where States have failed or refused to prosecute. We have heard lots of horrific stories about hate crimes from Senators Kennedy, Reid, and Durbin. But I think they have neglected to finish the story.

In each case, the Shepard case and the Byrd case, for example—heinous crimes, no question about it—that should never have occurred; that should have been prosecuted; and were prosecuted. The State prosecutors investigated those cases. They prosecuted the defendants. In the Byrd case, the prosecutors even obtained the death penalty, something that could not be done in the Kennedy amendment had been passed and the Federal Government had brought the case. Think about that. I think some crimes are so heinous that the death penalty should be imposed. Certainly the Byrd case, where racists chained James Byrd to a truck and dragged him to death on a back road in Jasper, Texas, warranted the death penalty. But in all of those cases, there ought to be absolute proof of guilt. The crime ought to be so heinous that it justifies the penalty, and there should be no substantial evidence of discrimination. In the Byrd case and the Shepard case, the defendants were fully prosecuted to the fullest extent of the law.

The question is not whether hate crimes are occurring. They are. We have them in our society—the greatest society in the world. We have some hate crimes. They are occurring. We all know it. They are occurring, and they are horrific and are to be abhorred. The question is whether the States are adequately fighting these hate crimes, or whether we need to make a Federal case out of every hate-motivated crime.

My amendment calls for an analysis of that question. If my amendment passes and causes an analysis of that question, and we conclude that hate crimes are not being prosecuted by the State and local prosecutors, my gosh, I think then we are justified to federalize, if we can do it constitutionally, many of these crimes.

A prudent thing, in my view in light of the constitutional questions that are raised by the Kennedy amendment, would be to do the analysis first.

But my amendment does more than that. My amendment provides funds to assist State and local authorities in investigating and prosecuting hate-motivated crimes. My amendment provides resources and materials to be able to help the authorities with hate crimes. We are not ignoring the problems that exist.

Deputy Attorney General Eric Holder conceded in his testimony before our committee, and he acknowledged that an analysis of the hate crimes statistics that the prosecution have to be conducted to determine whether State and local authorities are failing to combat hate crimes. Eric Holder testified that the statistics we have are, to use his term, “inadequate.” In his testimony, Deputy Attorney General Holder repeatedly argued that the Justice Department should be permitted to involve itself in local hate crime cases where local authorities are “unable or unwilling to prosecute the case.” Holder admitted in his testimony that there are “not very many” instances—later in his testimony, he said, “rare instances”—where local jurisdictions, for whatever reason, are unwilling to proceed in cases that the Justice Department “thinks should be prosecuted.”

At the hearing, I asked Deputy Attorney General Holder if he could identify “any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.” I asked him a specific question, to give me any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.

I went further and I asked him, “So the question is, can you give me specific instances where hate-motivated crimes have failed in their duty to investigate and prosecute hate crimes?” Deputy Attorney General Holder responded with only a handful of specific instances—and they were not instances where the State or local authorities refused to act but instances where the Justice Department felt that it would have tried the case differently or sought a harsher sentence, or where the Justice Department was not pleased with the verdict or the prosecution. The few cases Holder identified generally were not cases where State officials abdicated their responsibility to investigate and prosecute hate-motivated crimes.

I have to believe there may be some such cases, but the ones Mr. Holder identified were not persuasive. They did not show any widespread pattern of State and local authorities refusing or failing to investigate and prosecute hate crimes. I am happy to receive them from my distinguished friend from Massachusetts, and I am sure he may be able to cite some. Are there so many of them that we justify federalizing all hate crimes and dipping the Federal nose into everything that is going on?

Deputy Attorney General Holder also testified that no hate crimes legislation is worthwhile if it is invalidated as unconstitutional. It would be one thing if we were talking about a Supreme Court case that was decided 100
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years ago. We are talking about a case, however, the Morrison case, that was decided one month ago and invalidates exactly what Senator Kennedy is doing today. If we find out that States are refusing to prosecute hate crimes, then we would be justified under the 14th amendment in enacting legislation directed at State officials or people acting under color of law, so that aggressors of hate crimes the equal protection of the laws. If that were shown, then we would be justified, especially if such conduct were pervasive, or especially if there were a considerable number of cases where State officials were denying the equal protection of the laws by refusing to prosecute crimes committed against certain groups or classes of people. The supporters of the Kennedy amendment, I have to believe, will be able to come up with some examples. In three cases where State officials denied the equal protection of the laws in this manner. But even if then can, would that justify federalizing all hate crimes?

Mr. President, 95 percent of all criminal activity is prosecuted in State and local jurisdictions—95 percent. There are good reasons for that. Frankly, they do every bit as good a job as Federal prosecutors do. But if you put in “gender,” as Senator KENNEDY does in his amendment, then every rape or assault becomes a Federal crime. I can just hear some of the very radical groups demanding that U.S. attorneys in Federal court bring cases in every rape case because every rape, in my opinion, is a hate crime. However, there is no evidence that the States are not handling those sorts of cases properly. They may be in a better position to handle them well. It may be that the federal government needs to provide a backup, the DNA postconviction and even preconviction DNA testing can be conducted and we can see that justice is done. I am not unwilling to consider doing that. In fact, I am considering doing just that. I take no second seat to any Senator in this Chamber in the desire to get rid of hate crimes. But I do think you have to be wise and you can’t just emotionally do it because you want to federalize things and you want to get control of them. When, in fact, the State and local governments are doing a fairly decent job. If they are not, that is another matter. I want to see the statistics. That is one reason I want a study, an analysis of these matters, so that we can know. Senator KENNEDY and I fought on this very floor for the Hate Crimes Statistics Act. I have taken a lot of abuse through the years for having done so by some on the liberal side for not doing more. We have the statistics. We have a pretty good idea that these crimes are being committed. We just haven’t got an analysis, nor do we have the facts, on whether the States are doing an adequate job of combating these crimes. But we got blundering ahead, federalizing all these crimes, when we are not really sure that the State and local governments are not doing a good job. In fact, the evidence I have seen appears to show that the States are taking their responsibilities in this area seriously.

My amendment does a lot. It calls for a study to determine whether these hate-motivated crimes are not being prosecuted at the State level in the manner that they should be. There are those in our body who even fight against that. I am talking about the Congress as a whole. I hope there is nobody in the Senate who would fight against that. We should do an analysis and a study. We should know. We have the statistics. I do want to clear up one thing. The Department of Justice did send up a handful of cases in which the Depart- ment felt the result in hate crime litigation was inadequate. But the very few cases they identified in no way justify this type of expansive legislation. That is what I am concerned about.

Now, if we find that the States are refusing to do their jobs, that is another matter. We would be justified under the equal protection clause of the 14th amendment to enact remedial legislation prohibiting the States from denying our citizens the equal protection of the laws by refusing or failing to combat hate crimes.

Supporters of the Kennedy amendment argue that their amendment is limited because the Justice Department could exercise jurisdiction only in four instances. Supporters of the Kennedy amendment call these instances “exceptions”——as in the Justice Department will not exercise jurisdiction over State prosecutions of hate crimes, “except” when one of the four circumstances outlined in the amendment is present. But these so-called “exceptions” to the exercise of federal jurisdiction are exceptions that swallow the rule.

The Kennedy amendment raises serious constitutional decisions or questions. The amendment is not consistent with the Supreme Court’s decisions in United States v. Lopez and United States v. Morrison, just decided last month. The amendment attempts to federalize crimes committed because of the victim’s actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability.

Last month’s Supreme Court decision in United States v. Morrison changed the legal landscape with regard to con- gressionally power vis-a-vis the States. In light of the Morrison decision, we first should take adequate steps to ensure that legislation is constitutional. And where serious constitutional ques- tions are raised, we should responsibly pursue less intrusive alternatives. In the case of hate crimes legislation, we should at least determine whether a broad federalization of these crimes is needed, and whether a broad federaliza- tion of these crimes would be constitutional in light of Morrison. What may have been constitutional pre-Morrison may not be constitutional today.

I was the primary cosponsor of the Violence Against Women Act. It may never have come up had Senator Boxer and I not pushed it as hard as we did. I believed it was constitutional at the time, or I wouldn’t have done it. But it clearly was stricken as unconstitu- tional by the Supreme Court. As the father of three daughters and a great number of granddaughters, I certainly want women protected in our society. If the State and local govern- ments are not doing that, I will find some way. I think Senator KENNEDY, I, and others of good faith can find some way of making sure that these wrongs are righted.

But Congress has a duty to make sure that legislation it enacts is constitu- tional. Justice Scalia, as I stated earlier, recently criticized Congress for failing to consider whether legislation is constitutional before enacting it. Here is what he said:

[Judge] is fond of saying that acts of Congress come to the court with the presump- tion of constitutionality. But if Congress is going to take the attitude that it will do anything it can get away with, then the Supreme Court should worry about the Constitution [let the Supreme Court worry] perhaps the presumption is unwarranted.

He is saying that we have a constitutional obligation to live within the constraints of the Constitution. Although Morrison was a 5–4 decision, as many important decisions are, it is the supreme law of this land. And the Ken- nedy approach is unconstitutional.

It is unconstitutional because under the 14th amendment it seeks to crim- inalize purely private conduct. In the Morrison case, the Supreme Court re- affirmed that legislation enacted by Congress under the 14th Amendment may only criminalize State action, not individual action. So it really is unconstitutional from that standpoint, from the standpoint of the 14th Amendment. In addition, the Kennedy amendment is unconstitutional under the com- merce clause. In Morrison, the Su- preme Court emphasized that the con-duct regulated by Congress under the commerce clause must be “some sort of economic or commercial, but instead is non-economic and criminal in nature. Accordingly, it is just like the non-econo- nomic conduct Congress sought to reg- ulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes held to be unconstitu- tional in Lopez and Morrison.
In an effort to be constitutional, the Kennedy amendment provides that federal jurisdiction can only be exercised in four circumstances where there is a substantial economic effect on interstate commerce. These circumstances, however, probably do not make the amendment constitutional.

First, the interstate travel circumstance set forth in the Kennedy amendment arguably may provide an interstate nexus, but it does nothing to change the criminal, generally non-economic nature of a hate crime. The same can be said for the other circumstances set forth in the Kennedy amendment authorizing the exercise of federal jurisdiction. The second circumstance’s requirement, that the crime be committed by using a “channel, facility or instrumentality of interstate commerce,” also may provide an interstate nexus, but it is unclear precisely what hate crimes that would be encompassed: hijacking a plane or blowing up a rail line in connection with a hate crime? Such occurrences, if happening at all, surely are so infrequent as to make the Kennedy amendment unnecessary. And I might add, in these cases they have been prosecuted by state and local officials who have the right and power to do so. So there seems little or no reason to want the Kennedy amendment on that basis. But without some economic activity, it still makes you wonder.

The third circumstance’s requirement that the defendant have used a weapon that traveled in interstate commerce would eviscerate the limits on commerce clause authority the Court stressed in Lopez and Morrison. If using a weapon that happened to have traveled in interstate commerce to commit a hate crime provides a sufficient interstate nexus authorizing congressional action federalizing hate crimes. If so, same logic could federalize essentially all State crimes where a firearm or other weapon is used. And that would include most homicides had assault cases.

The fourth circumstance’s requirement that the victim be working and that the hate crime interfere with such working is analogous to the reasoning the Court rejected in Morrison. In Morrison, the Court rejected the argument that gender-motivated violence substantially affects interstate commerce. It can only be presumed that the Court would similarly conclude that violence motivated by disability, sexual orientation or gender—again—does not substantially affect interstate commerce. In Morrison and Lopez rejected these “costs of crime” and “national productivities” arguments because they would permit Congress to regulate not only violent crime, but all activities that might lead to violent crime. If that is how Congress wants to relate to interstate commerce.

Finally, the Kennedy amendment’s catch-all provision—that federal prosecution is permitted when the hate crime “otherwise affects interstate or foreign commerce”—not only merely discusses a constitutional history, it re-states it wrongly. Under Lopez and Morrison, the conduct sought to be regulated under the commerce clause must “substantially affect” interstate commerce. The Kennedy amendment provides for a substantially lower standard.

With regard to the first amendment, the Kennedy amendment also has the potential to have a chilling effect on constitutionally protected speech. Under the amendment, the Federal Government could obtain a criminal conviction on the basis of evidence of speech that had no role in the chain of events that led to any alleged violent act proscribed by the statute. Evidence that a person holds racist or other bigotary views are unrelated to the underlying crime cannot form the basis for a prosecution—otherwise the statute would be unconstitutional under the first amendment.

The Kennedy hate crimes amendment is also a bad policy. It would create significant burdens on federal law enforcement and Federal courts, undermine State sentencing regimes, and unduly interfere with State prosecution of violent crime. The Kennedy amendment prohibits hate crimes based upon the victims gender. I mentioned this earlier. Accordingly, the amendment, on its face, could effectively federalize all rapes and sexual assaults. Not only would such a statute likely be unconstitutional, it also would be bad policy. Seizing the authority to investigate and prosecute all incidents of rape and sexual assault from the States could impose a huge burden on Federal law enforcement agencies, Federal prosecutors, and the Federal courts.

I know that the Supreme Court is very concerned about the proliferation of federal crimes, as are all Federal courts in our country. They think we federalize far too many laws when, in fact, the States are doing a good job in prosecuting those crimes. And there is little or no reason for us to intrude that much on State laws when they are doing a good job.

Authorities in Casper, TX, secured a death penalty against the murderers of James Byrd, Jr., without either State or Federal hate crimes legislation. In contrast, the Kennedy amendment does not provide for the death penalty, even in the case of the most heinous hate crimes. Under the Kennedy amendment, then, a State could prosecute the same criminal acts more harshly than under the Kennedy hate crimes amendment. As a result, the Kennedy amendment would provide a lesser deterrent against hate-based criminal conduct. In other words, by defunding the death penalty, it certainly was the case of James Byrd, Jr. But then again it makes my point. The State and local prosecutors were fully capable of taking care of this matter. And why should we intrude the Federal Government’s role in this matter when the States are perfectly capable of taking care of these matters.

The Kennedy amendment also would unduly interfere with state prosecutions of hate crimes. Contrary to claims by supporters of the Kennedy amendment, the amendment would not defer to State or local authorities at all. The amendment leaves the Justice Department free to insert itself in a local prosecution at the beginning, middle or end of the prosecution, and even after the local prosecutor has obtained a guilty verdict.

Even if State or local authorities form the federal government that they insist State and local the case and object to Federal interference, the Justice Department, nevertheless, is empowered by the amendment to exert enormous pressure on local prosecutors regarding the manner in which they handle the case, from charging decisions to plea bargaining decisions to sentencing decisions. In essence, the federal government can always exercise jurisdiction under the Kennedy amendment. And in so doing, the Kennedy amendment works an unwarranted expansion of federal authority to prosecute defendants—even when a competent State prosecution is available.

In my view, hate crimes can be more sinister than non-hate crimes. A crime committed not only to harm an individual, but out of the motive of sending a message of hatred to an entire community—often a community that historically has been the subject of prejudice or discrimination—is appropriately punished more harshly or in a different manner than other crimes.

In Wisconsin versus Mitchell, the Supreme Court essentially agreed that the motive behind the crime can make the crime more sinister and more worthy of harsher punishment. In that case, the Court upheld the State of Wisconsin’s sentencing enhancement for hate crimes.

There is a limited role for the federal government to play in combating hate crime. The federal government can assist State and local authorities in investigating and prosecuting hate crimes. In addition, the Hate Crimes Statistics Act of 1990, which I sponsored, provides for the nationwide collection of data regarding hate crimes.

Because I believe there is a federal role to play, I have introduced legislation, held hearings, and am offering this amendment today. The Federal government has a responsibility to help States and local governments solve their country’s problem of hate-motivated crime.

But for a federal response to be meaningful, it must abide by the limitations imposed on Congress by the
constitution, as interpreted by the Supreme Court. This is especially true today in light of the Supreme Court’s decisions in Lopez and Morrison, which emphasized that there are limits on congressional power. The Morrison case was decided just last month and changed the legal landscape regarding congressional power in relation to the States.

We should be concerned, as the Supreme Court is, about the proliferation of companion Federal crimes in areas where State criminal statutes are sufficient. The Kennedy amendment would vastly expand the power and jurisdiction of the Federal Government to intervene in local law enforcement matters.

Repeatedly, supporters of the Kennedy amendment have argued the States and local authorities are either “unable or unwilling” to investigate the prosecute hate crimes. Let’s examine this rationale closely.

First, the argument that State and local authorities are unable to get serious about hate crimes is non-sequitur: I do not dispute that in certain cases the resources of local jurisdictions may be inadequate. We can solve that. But that cannot mean that we therefore should federalize these crimes. That soft-headed logic would lead us to argue that because State and local resources are inadequate to, for example, educate our young people in some parts of the country, then the Federal Government should conduct a nationwide takeover of elementary and secondary education. That, of course, would be the wrong solution. The right solution to a problem involving inadequate resources at the local level is to try to provide some Federal assistance where requested and where needed. That is what my amendment does. The Kennedy amendment cannot possibly mean to cover all of these cases. So what do they mean? A subset of these cases? Does the Federal Government intend to review every case where local officials fail to go forward, second guess their judgments, and then pick and choose on what cases they want to proceed? The true answer is that no one knows what supporters of the Kennedy amendment mean when they claim that States are “unwilling” to deal with hate crimes.

If we want to act responsibly and sensibly, we ought to do what I suggest in my amendment—(1) conduct a comprehensive analysis of whether there, in fact, is unwillingness at the local level in the handling of crimes motivated against persons because of their membership in a particular class or group and (2) provide some grant money to those States which may lack resources.

The amendment I have offered does not go so far as legislation I have offered before, but this is not because I do not believe that hate crimes are not a problem. Rather, it is because the Supreme Court has ruled as recently as a month ago in this area, and I do not think we can ignore that. The recent decision in Morrison requires that we step back and prudently assess whether legislation like the Kennedy amendment would pass constitutional muster, and I think more than an overwhelming case can be made that it does not.

Let’s assume that if this amendment is ultimately adopted, and 2 or 3 years from now the Supreme Court decides the case based upon that amendment, and I am right and the Kennedy amendment is overturned, that means we are 3 more years down the line unable to do anything about hate crimes in our society when, if we do the appropriate analysis and get the information and do not walk in there emotionally, and try to give the State and local government the support and the other types of support we describe in our amendment, we could start tomorrow combating hate crimes at the federal level. The day my amendment is passed doing something about hate crimes, that will really be substantial and will work. It is a throw of the dice if we adopt the Kennedy amendment and that becomes law because I do not believe it can be possibly upheld by the Supreme Court in light of current constitutional law.

My amendment is very limited and does not raise the constitutional questions raised by the Kennedy amendment. At the same time, it provides for Federal assistance to State and local authorities in combating hate crimes.

With regard to both amendments, I find no fault with the motivations behind those supporting the Kennedy amendment. In fact, I am very proud of my colleagues for wanting to do something in this area, to make a difference in our society and help our society be even better. I commend them and thank them for their efforts in that regard. In fact, I do think we ought to do it in a constitutional way. I do think we ought to do it in a way that will bring people together, and I do think we ought to do it in a way that will bring people together, not split them apart. And I do think we ought to do it in a way that will help State and local prosecutors, rather than Federal prosecutors, to handle these cases in manners that are proper and acceptable in our society. I do think it ought to be done in a way that our Federal courts do not become a warehouse of hate crimes.

I pledge to work with my colleagues from Massachusetts, Oregon, Vermont, and others in this body in trying to get us there. We are all after the same thing, and that is to have a better society so that people realize there are moral laws by which they should live, and that people realize this society has been a great society and will continue to be, the more we are concerned about our fellow men and women and equality under the law.

We differ on the ways to get there at this point. Maybe we can get together and find some way of resolving the differences. I find no fault with my colleagues, other than that I think Morrison is so clear, and it was decided only a month ago. I do find fault in that sense, to push an amendment probably is unconstitutional.

I find no fault with the motivations behind those supporting the Kennedy amendment. In fact, I am very proud of my colleagues for wanting to do something in this area, to make a difference in our society and help our society be even better. I commend them and thank them for their efforts in that regard. I do think we ought to do it in a way that will help State and local governments, rather than Federal prosecutors, to handle these cases in manners that are proper and acceptable in our society. I do think it ought to be done in a way that our Federal courts do not become a warehouse of hate crimes.

I look forward to finding a way whereby Senator Leahy and I and others can get together to resolve these problems of postconviction DNA testing because regardless of where one stands on the death penalty, for or against it, that is not the issue. The issue is justice, and that is what the issue is here as well.
Those of us who will favor our position tomorrow believe the ultimate guarantors of the right to privacy, liberty, and individual safety and security in our society is the Constitution of the United States. That is where the repository for protecting our rights and our liberties is enshrined. It is enshrined in the Amendments, interpreted by the Supreme Court. But ultimately we are the ones who help define the extent of the Constitution's protection.

When we find that we have inadequate protection for citizens because of sexual orientation, or gender, or race, that challenge cries out for us to take action.

My good friend from Utah does not mind federalizing class action suits to bring them into the Federal court. He does not mind federalizing property issues in the takings legislation, to bring those into Federal court. For computer fraud, does he not mind doing that in Federal courts. But do not bring in Federal power to do something about hate crimes. I find that absolutely extraordinary.

Why are we putting great protection for property rights and computer fraud and class actions into Federal court, giving them preference over doing something about the problems of hate crimes in our society that even Senator HATCH admits are taking place? We see from the data collected by the FBI and various studies that hate crimes are taking place. That is a fact.

Look at the statistics that have been collected over the last few years, from 1996 through 1998. We see what is happening with regard to race, religion, national origin, ethnic background, sexual orientation, and disability. As we have heard from the FBI and the Justice Department, they believe the FBI statistics vastly underestimate what is happening in our society.

The fact is, hate crimes are unlike any other crimes. Listening to the discussion of those who are opposed to our amendment, one would think these crimes were similar to pick-pocketing cases, misdemeanors, or traffic violations.

The kind of impact that hate crimes have in terms of not only the individual but the community is well understood. It should be well understood by communities and individuals. I do not have to take the time to quote what the American Psychological Society says about the enduring kind of prejudice and the experience that has been the victims of hate crimes over the course of their lifetime, even in contrast to other crimes of violence against individuals. It has a different flavor, and it has an impact on the victim, the family and the community. Hate crimes are an outrageous reflection of bigotry and hatred based on bias that cannot be tolerated in our society.

We have an opportunity to take some moderate steps to do something about it—to untie the hands of the Department of Justice, to let the Department of Justice do its job. That is what Senator HATCH’s vote is about. We have the constitutional authorities on our side, including the Justice Department, and others.

I will include the list of distinguished constitutional authorities that are supporting our positions.

Mr. President, I ask unanimous consent that the U.S. Department of Justice letter dated June 13, 2000, on the constitutionality of the Local Law Enforcement Enhancement Act of 2000 be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,

HON. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: This letter responds to your request for our views on the constitutionality of a proposed legislative amendment entitled the “Local Law Enforcement Enhancement Act of 2000.” Section 7(a) of the bill would amend title 18 of the United States Code to create a new § 249, which would establish two criminal prohibitions called “hate crime acts.” First, proposed § 249(a)(1) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of a corrosive substance, an explosive or incendiary device, “because of the actual or perceived race, color, religion, or national origin of any person.” Second, proposed § 249(a)(2) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of a corrosive substance, an explosive or incendiary device, “because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person.”

In light of United States v. Teamsters, 120 S. Ct. 1740 (2000), and other recent Supreme Court decisions, defendants might challenge the constitutionality of their convictions under § 249 on the ground that Congress lacks power to enact the proposed statute. We believe, for the reasons set forth below, that the statute would be constitutional under governing Supreme Court precedents. We consider in turn the two proposed new crimes that would be created in § 249.


Congress may prohibit the first category of hate crime acts that would be proscribed—actual or attempted violence directed at persons “because of the[ir] actual or perceived race, color, religion, or national origin, § 249(a)(1)—pursuant to an interpretation of the Thirteenth Amendment to the United States Constitution. Section 1 of that amendment provides, in relevant part, “[n]either slavery nor involuntary servitude . . . shall exist within the United States.”

Section 2 provides, “Congress shall have power to enforce this article by appropriate legislation.”

Under the Thirteenth Amendment, Congress has the authority not only to prevent
the "actual imposition of slavery or involuntary servitude," and "the "badges and incidents" of slavery or involuntary servitude exists in the United States, Griffin v. Breckenridge, 483 U.S. 88, 105 (1987); see Jones v. Alfred H. Mayer Co., 392 U.S. 409, 415–16 (1968). Congress power to eliminate the "badges," "incidents," and "relics" of slavery. Congress has the power under the Thirteenth Amendment to additionally determine what the badges and incidents of slavery, and the authority to translate that determination into effective legislation, Griffin, 483 U.S. at 105 (quoting Jones, 392 U.S. at 440); see also Civil Rights Cases, 109 U.S. 3, 21 (1883) ("Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery, with all its badges and incidents"). In so legislating, Congress may impose liability not only for state action, but for "varieties of private conduct," as well. Griffin, 483 U.S. at 105.

Section 2(10) of the bill's findings provides, in relevant part, that "eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude," and that "[s]lavery and involuntary servitude were enforced . . . through widespread public and private violence directed at persons because of their race. " As long as Congress may rationally reach these determinations—and Congress plainly could—the prohibition of racially motivated violence would be a permissible exercise of Congress's broad authority to enforce the Thirteenth Amendment.

That the bill would prohibit violence against not only African Americans but also persons of other races does not alter our conclusion that the Thirteenth Amendment, primarily involved the subjugation of African Americans, it is well-established by Supreme Court precedent that Congress's authority to abolish the badges and incidents of slavery extends "to legislation to 'eradicate slavery as an economic act of an individual.'" McDonald v. Santa Fe Trail Transp. Co., 427 U.S. 239, 288 n.18 (1976) (quoting Hodges v. United States, 293 U.S. 1, 16–17 (1934) (quoting Jones v. Alfred H. Mayer Co., 392 U.S. 409, 441 n.78 (1968)). In McDonald, for example, the Supreme Court held that 42 U.S.C. § 1981, a Reconstruction-era statute that was enacted pursuant to, and contemporaneously with, the Thirteenth Amendment, prohibits racial discrimination in the making and enforcement of contracts against all persons, including whites.—See McDonald, 427 U.S. at 286–96.

The question whether Congress may prohibit violence against persons because of their actual or perceived religion or national origin is more complex, but there is a substantial basis to conclude that the Thirteenth Amendment grants Congress that authority, at a minimum, with respect to some religions and national origins. In Saint Francis College v. Al-Khazraji, 411 U.S. 649, 613 (1987), the Court held that the prohibition of discrimination extended to discrimination against Arabs, as Congress intended to protect "identifiable classes of persons who are subjected to intentional discrimination based on their national origin or religious characteristics." Similarly, the Court in Shaw v. Tosta Congregation v. Cobb, 481 U.S. 615, 617–18 (1987), held that Jews can state a claim under the Thirteenth Amendment's reconstruction-era antidiscrimination statute enacted pursuant to, and contemporaneously with, the Thirteenth Amendment. In contrast, the Supreme Court's analysis of the Thirteenth Amendment's power to regulate interstate commerce is different. Proposed § 249(a)(2), by contrast to the statute invalidated in Lopes, would require pleading and proof of a specific jurisdictional element necessary to interstate commerce for each and every offense.

In Morrison, the Court applied its holding in Lopes to find unconstitutional the civil remedy provision of the Violence Against Women Act of 1994, 28 U.S.C. § 1991. Like the prohibition of gun possession in the statute at issue in Lopes, the VA WA civil remedy required proof of a connection between the specific conduct prohibited by the statute and interstate commerce. Although the VA WA statute was supported by extensive congressional findings of the relationship between gun violence against women and the national economy, the Court was troubled that accepting this as a basis for legislation under the Commerce Clause would permit Congress to regulate anything, thus obliterating the "distinction between what is truly national and what is truly local." Morrison, 120 S. Ct. at 1752 (Lopes, 514 U.S. at 568). By contrast, the requirement in proposed § 249(a)(2) of proof in each case of a specific nexus between interstate or foreign commerce and the conduct would ensure that only conduct that falls within the Commerce power, and thus is "truly national," would be within the reach of Congress's power.

The Court in Morrison emphasized, as it did in Lopes, that the statute the Court was invalidating did not include an "express jurisdictional element," 120 S. Ct. at 1751, and compared this unfavorably to the criminal provision of VA WA, 18 U.S.C. § 2251(a)(1), which does include such a jurisdictional element. See id. at 1752 n.5. The Court indicated that the presence of such a jurisdictional nexus was necessary to exercise Congress's regulation of interstate commerce.

The second consideration that we found important in analyzing the statute in Lopes (and the statute at issue in Morrison) is that Congress could not regulate noneconomic, violent criminal conduct based solely on its aggregate effect on interstate commerce, "id. at 1750–51; see also id. at 1751–52 ("Although Lopez makes clear that such a jurisdictional element would lend support to the argument that [the provision at issue in Morrison] is sufficiently tied to interstate commerce, Congress elected to cast [the provision's] remedy over a wider, and more purely intrastate, body of violent crime.") While the Court in Morrison stated that Congress may not "regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce," id. at 1754, the proposed regulation of violent conduct in § 249(a)(2) would not be based "solely on that conduct's aggregate effect on interstate commerce," but would instead be based on a specific and discrete connection between each instance of prohibited conduct and interstate or foreign commerce. Since Congress intended to protect federal interests in the national economy, the Court would recede from the somewhat artificial test adopted in Lopes and asked whether the conduct involved a sufficiently specific jurisdictional nexus to the Commerce Clause.
doubt. This additional jurisdictional requirement would reflect Congress's intent that §249(a)(2) reach only a "discrete set of [violent acts] that additionally have an explicit connection with or effect on interstate commerce." 5 C. at 36 (quoting Lopez, 514 U.S. at 562), and would fundamentally distinguish this statute from those that the Court invalidated in Lopez and in Morrison. Absent such a jurisdictional element, there exists the risk that "a few random instances of interstate effects could be used to justify regulation of a multitude of intrastate transactions that would otherwise pose no threat at all." In Bass, 440 U.S. at 350–51, and in Scarborough v. United States, 431 U.S. 563 (1977), the Court construed a statutory term to permit conviction upon proof that a felon had received or possessed a firearm that had at some time passed in interstate commerce.

Proposed §249(a)(2)(B)(i) would apply only where the government proves that the violent conduct "interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct." This is one specific manner in which the violent conduct can affect interstate or foreign commerce. This jurisdictional element also is an exercise of Congress's power to regulate "economic activity in which the commerce is the recipient of, or a channel, facility or instrumentality of commerce." Morrison, 120 S. Ct. at 1749 (quoting Lopez, 514 U.S. at 558). As Justice Kennedy (joined by Justice O'Connor) wrote in Lopez, 514 U.S. at 574, "Congress may regulate in the commercial sphere on the assumption that we have a single market and a unified purpose to build a stable national economy."

Finally, §249(a)(2)(B)(i) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the conduct "occurs in the course of, or as the result of, the travel of the defendant or the victim (a) across state lines or national borders, or (b) using a channel, facility, or instrumentality of interstate or foreign commerce." A conviction based on such proof would be within Congress's intent to exercise its full authority under the Commerce Clause;" Allied-BrUCE Terminix Cos. v. Dobson, 513 U.S. 563, 273 (1995) ("The use of a common carrier—normally signals Congress's intent to exercise its Commerce Clause powers to the full."). Of course, that element goes to the extent of Congress's power. This element does not mean that it is unlimited. Interpretation of the "affecting commerce" provision would be addressed on a case-by-case basis, within the limits of the Court's doctrine. There likely will be cases where there is some question whether a particular type or quantum of proof is adequate to show the "explicit" and "concrete" effect on interstate and foreign commerce that the element requires. See Hamilton, 108 F.3d at 1464, 1467 (citing Lopez, 514 U.S. at 562, 567). But on its face this element is not "unqualifying," as the Supreme Court has articulated in its recent decisions.

The Office of Management and Budget has advised that this provision is consistent with the Administration's program to the present the following letter.

Sincerely,

ROBERT RABEN
Assistant Attorney General.

Mr. Kennedy, I was startled to hear my friend and colleague suggest that when they asked the Justice Department which States took no action in the Federal Government prosecution, he said there was not any. He did not report the response from the Justice Department because I have in my hand the response from the Justice Department that lists their response. I am not going to take the time tonight to go all the way through, but they have been listed. He ought to ask his staff for that because it has been sent to the Judiciary Committee, of which he is the chairman.

Included in the Justice Department's response are cases showing instances where the Department has pursued cases Federally when the State cannot respond as effectively as the Federal Government. For example, where State penalties are less severe than Federal penalties or where there are differences in the nature of the crimes.

The idea that there really aren't times when States are unable to prosecute a case just does not hold water, because the cases are out there and have been supplied by the Justice Department.

Furthermore, this chart shows what is happening across the country in the various States. Eight States have absolutely no hate crimes statutes, 22 States have criminal statutes for disability bias crimes, 21 States plus the District of Columbia have criminal statutes for sexual orientation bias crimes, and 20 States identify gender bias crimes.

But, if you are in any of these States shown on this chart which are colored gray, including many in the Northeast, as well as out in the West, and you are involved in the beating or battering of an individual American because of their sexual orientation, there are no hate crimes statutes under which to prosecute the perpetrator.

The States shown in yellow on the chart have no hate crimes statutes at all. As I said, the States shown in gray have no protection at all for crimes committed because of a person's sexual orientation. Many of those States that have hate crimes laws are inadequate because they do not include all of the categories, including sexual orientation, gender and disability.

We have one particular State, Utah, where a judge found the hate crime law to be incomplete because it specified no classes of victims—the State included itself as having a hate crimes law. The judge was forced to dismiss the felony charges against two defendants who allegedly beat and terrorized people in a downtown city. The case was effectively dismissed because the state hate crime law was so vaguely drafted that it failed to provide any of the protections that other state hate crimes laws do that clearly define classes of people who are protected by race, religion, national origin, ethnic background, gender, sexual orientation, or disability.
The reality in the United States today is that either we believe we have some responsibility to protect our fellow Americans from these kinds of extraordinary actions based upon bigotry and prejudice or we don’t.

We have taken action in the past. We have done it when the action was based upon bigotry and prejudice and denial of the right to vote. We have taken action when prejudice and bigotry have denied people public accommodation. We have taken action against bigotry and prejudice when people have been denied housing. We have taken action against bigotry and prejudice toward people with disabilities.

Now we are asking the Senate to take action when there is violence against American citizens based upon prejudice and bigotry. That is why this vote tomorrow is so important. The debate is about what the issue is about. It is very basic and fundamental, and it is enormously important.

It is part of a continuing process of the march towards a fairer and more just America. We have been trying to free ourselves from the stains of discrimination on the basis of race. We are making progress in terms of religion, national origin, and ethnic background. We are doing it with regard to gender, disability, and sexual orientation.

What we are doing with this legislation is saying, at least in these areas, protect American citizens from prejudice and discrimination and violence that is being directed towards them. Let us make that a priority; let all Americans know that we are not going to fight prejudice and discrimination with one hand tied behind our backs. The Federal Government should have both hands involved in trying to protect all citizens from this form of discrimination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I don’t disagree with the Senator that hate crimes are occurring, but they are being prosecuted by State and local officials. That is the point. Many of the cases—and there aren’t a lot of cases that the Justice Department has provided—are cases where the Justice Department felt there should have been a greater remedy and there should have been greater sentencing. But they are not in large measure cases where State refused or failed to prosecute the perpetrators of these horrendous crimes.

The fact is, there are not a lot of cases that can be produced, and the Justice Department has not been able to produce them. I don’t disagree that hate crimes are occurring and we should stand up and fight them, but they are being prosecuted by State and local officials to the fullest extent of the law. The Federal Government may disagree on how they prosecute sometimes, but the fact is, they are being prosecuted. No one has shown, certainly not the Justice Department, that these truly are hate crimes, that these perpetrators are prosecuted, let alone on a large scale. The fact is, they are being prosecuted.

The cases identified by the Justice Department, a handful of cases, were in large measure cases where State officials, investigators, and prosecutors got verdicts and sentences. In other words, they were brought and verdicts and sentences were obtained. The Federal Government would have tried the cases differently or might have sought a higher or more harsh sentence. But they are not cases where the State refused to prosecute a hate crime.

My colleague is right: We should do everything in our power to stop hate crimes in our society. But no one to my knowledge can show that there is a widespread, endemic failure at the State level to prosecute these crimes. There is no real evidence that the States are being slovenly in their duties. That is one reason why I think it is very important that we objectively analyze these matters. We will have more time to debate this, hopefully a little more time tomorrow.

Finally, when Mr. Holder, the Deputy Attorney General, appeared before the committee, he could not cite one case, not a single case. After a month of re-search, the Justice Department came up with a handful of cases. That was it. Not because they weren’t prosecuted at the State level, they were. They just differed with the way they were prosecuted. That is not good enough. These are some of the things that bother me. I am willing to work with the distinguished Senator from Massachusetts and the distinguished Senator from Oregon and others who want to do something different, but the amendment I am offering is not good enough. I am willing to work to see if we can find something that will bring us together and do a better job, certainly, to stamp out any type of hate criminal activity. But I am very loathe to federalize all crimes so that the Federal Government can second-guess State and local prosecutors every time a criminal activity occurs. I think one could say in many respects all crimes are hate crimes, even though they are not categorized as such now. They are prosecuted, and that is the important thing.

Mr. President, I will ask unanimous consent, unless there is anyone else who desires to speak.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned, the cases were provided by the Justice Department.

Let me give you one case, U.S. v. Kila, 1994, a Federal jury in Fort Worth, Texas acquitted three white supremacists of Federal civil rights charges arising from unprovoked assaults upon African Americans, including one incident where the defendants knocked a man unconscious as he stood near a bus stop. For several hours, the defendants walked throughout the town accosting every African American they met, ordering them to leave whatever place or area they were in. Some encounters resulted in physical and verbal harassment; in others, Black victims were shoved on the streets, their hats knocked off. Throughout their movements through the city, the subjects were using racial epithets and talking about white supranationality.

The subjects’ parade of racial hate erupted into serious violence with the assault on Ali—that is the name of the individual—at the bus stop, an assault which knocked him unconscious. According to witnesses, Ali was punched in the face after he fell to the ground, and kicked in the head. He was transported by ambulance to the hospital, having sustained head injuries. He did not have medical insurance. When the doctors asked him if he had any further tests, he left against their wishes.

The Federal Government became involved in the case when State officials went to the U.S. Attorney’s Office asking for Federal assistance. The State could only proceed on misdemeanors, and in their judgment, the conduct warranted felony treatment, treatment available under Federal law. Some of the jurors revealed after the trial that although the assaults were clearly motivated by racial animus, there was no apparent intent to deprive the victims of the right to participate in any federally protected activity.

It is this federally protected activity barrier under current law that is unduly restrictive, and must be amended.

The Government’s proof that the defendants went out looking for African Americans to assault was insufficient to satisfy the statutory requirements and effectively the case was dropped.

I could go back as far as 1982. Maybe in some cases defendants get tried for a misdemeanor, as they did in a Western State case I mentioned previously, but they are not getting prosecuted with the full weight of the law. That is what we are talking about. In the 1982 case that I referred to, two white men chased a man of Asian descent from a night club in Detroit and beat him to death. The Department of Justice prosecuted the perpetrators under existing hate crimes laws, but both defendants were acquitted—despite substantial evidence to establish their animus based on the victim’s national origin. Although the Justice Department had no direct evidence of the basis for the jurors’ decision, the Government’s need to prove the defendants’ intent to interfere with the victim’s engagement in a federally protected right—the use of public transportation—was the weak link in the prosecution.

These defendants committed murder on the basis of hate. Do we need more
cases? I am glad to stay here and go through a whole pile of them. These are examples of what we are talking about. The question is whether we are going to do something about it. That is the issue that will be presented to this body tomorrow.

I will take a moment to read into the RECORD the letter from Judy Shepard addressed to the members of the Judiciary Committee:

Thank you for your hard work and commitment to combating hate violence in America. I appreciate the opportunity to testify before your committee last year. As the mother of a hate crime victim, I applaud your interest in trying to address this serious problem that has torn at the very fabric of our nation. However, I do have concerns with your bill (S. 1406) as currently written, and I would like to take this opportunity to discuss them with you.

As I am sure you remember from our visit last fall, two men murdered my son Matthew in Laramie, Wyoming in October 1998 because he was gay. Although your amendment is well intentioned, it fails to address hate crimes based on sexual orientation, nor does it include disability or gender. The time has long passed for our society to address this devastating violence. While I appreciate your efforts, the appropriate and necessary response is the Smith-Kennedy measure (S. 622), and I strongly urge you to support this approach.

Though forty states and the District of Columbia have enacted hate crime statutes, most states do not provide authority for bias crime prosecutions based on sexual orientation, gender, or disability. Including the District of Columbia, only 22 states now include sexual orientation-based crimes in their hate crime statutes, 21 include coverage of gender-based crimes, and 22 include coverage for disability-based crimes.

There is currently no law that allows federal assistance for localities investigating and prosecuting hate crimes based on sexual orientation. As a result, though Matt’s killers were brought to justice, the Laramie law enforcement officials told me, as I know they told you last year, that they were forced to furlough employees to be able to afford to bring the case. The Smith-Kennedy amendment would add sexual orientation, gender and disability to current law, which is more comprehensive and inclusive. That means we should federalize all hate crimes. That is what I am concerned about.

I will just put forth my offer to work with the Senate to see if we can find some way of bringing everybody together in a way that will not intrude the Federal Government into all the local and State prosecutions in this country, which certainly the Senator’s amendment would do. That is what I am concerned about. We will chat overnight and talk about it and see what we can do.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, today we recognize the date upon which slavery finally came to an end in the United States, June 19, 1865, also known as “Juneteenth Independence Day.”

It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1865, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation’s history. The suffering, degradation, and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Mr. President, throughout the Nation, we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1929, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And every year on June 19, we celebrate “Juneteenth Independence Day.”

Lerone Bennett, editor, writer and lecturer recently reflected on the life and times of Dr. Woodson. In an article he wrote earlier this year for Johnson’s Public Affairs, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson’s struggle and rise from the coal mines of West Virginia to the summit of academic achievement.

At 17, the young man who was called by history to reveal Black history was an untaught coal miner. At 19, after teaching himself the fundamentals of English, Greek, and Latin, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College (in Kentucky), he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor’s and master’s degrees, and Harvard University, where he became the second Black to receive a doctorate in history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Sojourner Truth, who helped lead our country out of the dark days of slavery and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly echoed in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Monument, which was unveiled in Battle Creek, Michigan on September 23, 1999.

Truth lived in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women’s suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. Her testament to Truth’s convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to present a Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and degradation of sitting on the bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.
Forty-four years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat to a white man and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King Jr., and many others, let us re dedicate ourselves to continuing the struggle on Civil Rights and to human rights.

MULTI-YEAR PROCUREMENT FOR THE F/A-18 E/F SUPER HORNET

Mr. ASHCROFT. Mr. President, I want to announce my unqualified support for the recent signing of the Multi-Year Procurement contract on Boeing’s F/A-18 E/F Super Hornet. This is a good day for U.S. national defense, the Navy, the American taxpayers, and the city of St. Louis.

This announcement secures the production of the Super Hornet, which is in St. Louis, for the next 5 years. Valued at $8.9 billion for a total of 222 aircraft over 5 years, this contract will ensure that the Navy will have these planes and, in addition, U.S. taxpayers will save over $700 million. It is definitely a win.

The U.S. Navy’s award-winning Super Hornet program continues to be recognized throughout the Department of Defense and industry as the standard by which all other tactical aviation programs should be evaluated. Since the program’s inception, the Super Hornet has met or exceeded all cost, weight and schedule goals and requirements.

The Boeing Corporation, which is the prime contractor, in partnership with the Navy has introduced a 21st Century strike fighter that will ensure the Navy’s carrier airwing is more than able to defeat today’s threat and the projected threats of the first 30 years of this century. A balanced approach to survivability, revolutionary methods of design and manufacture, and a very cost-conscious approach to achieving and maintaining multi-mission superiority over the threat has given the Navy a new tactical aircraft that supports Navy budget realities.

Mr. President, in addition to affordability, comparable performance, enhanced range, carrier bring back, more weapons stations, future growth and better survivability were major considerations for the next generation of carrier-based strike fighters. The Super Hornet to express met the muster in every category.

The Navy has not been shy about its support for this project, and I wholeheartedly agree with my good friend Admiral Jay Johnson, the Chief of Naval Operations, who recently stated: “The F/A-18E/F Super Hornet is the cornerstone of the future of Naval Aviation. It will provide twice the sorties, a third the combat losses and forty percent greater range. We can’t wait to get it to the fleet!”

This contract is also a testimony to the excellent job the workers of St. Louis do every day. Without their dedication and commitment to quality, the Super Hornet would not be able to win such an important competition.

In conclusion, I thank the people who made this contract a reality—namely the people of St. Louis, the Boeing Corporation, the U.S. Navy, and my fellow Senators who joined me in my support of this wonderful project.

HOURS OF SERVICE PROVISIONS IN H.R. 4475

Mr. CLELAND. Mr. President, I rise today to address the Hours of Service provision in H.R. 4475, the Department of Transportation appropriations bill. As directed by Congress, the Department of Transportation, and most recently the new Federal Motor Carrier Safety Administration (FMCSA), set out to examine the hours of service standard for motor carrier drivers that had been in effect since the 1930s.

As I stated in the Surface Transportation Subcommittee’s hearing in September, we need to lead the way about frustrated drivers on the road. The fatigue related accident I profiled at this hearing occurred August 31, 1999 in Atlanta, and resulted in deadly consequences for the drivers of the truck. The accident occurred in the early morning hours and thankfully, no other automobiles were directly involved. However, daily commuters felt the effects during morning and afternoon rush hours, and the tragedy and frustration from incidents such as this accident resulted in Congress directing DOT to examine hours of service regulations.

Admittedly, I have concerns about the effects of the proposed rule, but I do not believe that the appropriations bill is the proper vehicle through which to express concerns. I would like to remind my colleagues that the DOT has only issued a proposed rule. DOT is still accepting comments on this rule through October 31, 2000—an extension of the original date—and continues to hold hearings on the issue throughout the country. I believe these hearings have brought, and will continue to bring, potential problems to the attention of DOT officials. For example, during emergencies, utility drivers must restore service to customers. How do these rules apply to such drivers in these special situations?

Congress directed DOT to evaluate the hours of service rules. Is this the best proposal? I am not convinced so, but I do believe DOT should be able to move forward with the prescribed process. The American driving public deserves the continuation of the hours of service reform process. The truck drivers want this collaborative process to continue. As this point, why should the Senate add to short-circuit the efforts of the FMCSA to reform the hours of service rule as directed by Congress?

I do not support the prohibition on moving forward with the hours of service process, and I urge the conference on H.R. 4475 to remove the hours of service provision from the final bill. Let’s work together in thoroughly considering the best way to ensure the safety of automobile and truck drivers traveling America’s roads.

ADDITIONAL STATEMENTS

NONCOMMISSIONED OFFICER OF THE YEAR AWARD

Mr. MURKOWSKI. Mr. President, it is with great honor today that I rise to recognize one of the finest men in the Alaska Army National Guard, Sergeant Edwin D. Irizarry. Sergeant Irizarry’s hard work and dedication to the Army National Guard in Alaska have earned him the title of the “Noncommissioned Officer of the Year.”

Mr. President, this is no small award. It is only awarded to those who show outstanding leadership, extraordinary accomplishments in their duty and sacrifice their own personal time to protect the very communities where they live. Sergeant Irizarry lives and works in Ketchikan, with his wife and family. Ketchikan is a beautiful town in southeast Alaska where I was fortunate to have been raised. I know the terrain that the Guard uses is no walk in the park. Mountains and a channel of water hug the town in this great place. To be stationed in Ketchikan one must learn to adapt to the fast changing climate and diverse environment that exists in this region. Ketchikan and Alaska are truly indebted to the many fine soldiers like Sergeant Irizarry who protect and assist in communities throughout the last frontier.

Sergeant Irizarry serves as role model and inspiration to the over 300,000 men and women in our country’s
National Guard. Without the talent and support given to our armed forces by the National Guard and individuals like Sergeant Irizarry, our country would not be where it is today. I take great pride in congratulating Sergeant Irizarry for his Guard career and for being an example for all of us to follow.

PRIVATE RELIEF BILL FOR MARINA KHALINA

• Mr. WYDEN. Mr. President, I ask that the following letter be printed in the Record.

The letter follows:


Senator Tom Daschle
Minority Leader.
Washington, DC.

DEAR MR. LEADER: Two weeks ago, my private relief bill for Marina Khalina, S. 150, was scheduled to come to the floor, but other members objected to this bill coming to the floor before their private relief bills came to the floor.

I agreed to let my bill be sent back to the Judiciary Committee so that it and the other private relief bills could be cleared for the floor together on June 15, 2000.

Now, I have been informed that the Immigration and Naturalization Service (INS) somehow misplaced Ms. Khalina’s fingerprints and that her relief bill cannot be passed by the full Senate until a new fingerprint record for Ms. Khalina can be processed by the INS. Senate action on her bill should not be delayed because of INS incompetence in losing her fingerprints.

Since I am concerned that Ms. Khalina will miss her opportunity for justice should these bills go forward without S. 150, I am notifying you that I would object to a unanimous consent request to move any private relief bills unless S. 150 is included with the package.

I ask unanimous consent that my remarks be included in the record pursuant to the leaders request that such objections be made in the record pursuant to the

Bill often quotes the adage, “Storms make oaks take deeper roots.” Through his navigational skills and constant perseverance, Bill brought PSNH to a level where it is currently one of the most respected companies in the state and that earned him the honor of being named “Business Leader of the Decade” by Business New Hampshire Magazine.

Bill is often described by his peers as a strong leader who is able to motivate those around him to continued success. Over the years, I have seen first-hand his ability to inspire, and I applaud his talents and dedication to New Hampshire.

I wish Bill much happiness as he embarks on this new journey in life, as he will be missed. I want to leave Bill with a poem by Robert Frost, as I know that has many miles to travel and endeavors to conquer.

The woods are lovely, deep and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Bill, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.

RECOGNITION OF MRS. SUSAN WARGO

• Mr. REID. Mr. President, I have the pleasure to stand today and celebrate the career of a very fine public school teacher. She is Mrs. Susan Wargo, a third grade school teacher at Franklin Sherman Elementary School in Fairfax County, Virginia. She is retiring this year, after teaching school for 38 years. She and her husband Mike, will be reloating to Aiken, South Carolina.

I know about Mrs. Wargo because she teaches my granddaughter, Mattie Barringer. Mattie loves Mrs. Wargo, and its not hard to figure out why. She has captured Mattie’s imagination and won her heart. Mattie has learned ancient history, economics, math, and literature from Mrs. Wargo, but she could have learned those things from anybody. Mrs. Wargo’s last contribution to Mattie’s education is the atmospheric image she created in her classroom. She embraced her students, made them feel comfortable, taught them how to learn, and got them to accomplish great things—more than they ever thought they were capable of doing. Mrs. Wargo is that amazing teacher that we all can remember: the one that cared about us, that took an interest in us, that rooted for us, and made us passionate to learn.

I had a teacher like Mrs. Wargo when I was a young boy—her name was Mrs. Pickard and I am glad my granddaughter was lucky enough to have such a teacher so early in her education. Teachers like Mrs. Wargo immeasurably enrich our lives. My daughter Lana—Mattie’s mother—tells me that when talking about Mattie in a parent-teacher conference, Mrs. Wargo’s voice seemed to break just slightly with emotion as she spoke passionately about Mattie’s talents and potential. My daughter came away from that conference amazed at this great teacher.

It is hard to express these feelings we have about great teachers. Mattie did a much better job than I have done here in a recent letter to Mrs. Wargo. She wrote: “When I came to this school, you made me feel special. You always make me feel good about myself. I’ll miss you.”

With those words, I am delighted to pay tribute to Mrs. Wargo, and to her colleagues like her who serve in the public schools. Mrs. Wargo, my family thanks you for your service to the community and to our country. We want you to know that the good you have done so far in your life has been noticed, and much appreciated.

TRIBUTE TO LT. GEN. MICHAEL C. SHORT, USAF

• Mr. SHELBY. Mr. President, today, I recognize the outstanding service to our Nation of Lieutenant General Michael C. Short. Lt. General Short will retire on July 1, 2000, after an outstanding career in the United States Air Force. During a 35 year career, General Short distinguished himself as a fighter pilot, warfighter, and trusted leader.

Throughout his career, General Short commanded at all levels, both overseas and in the continental United States. A 1965 graduate of the U.S. Air Force Academy, he is a command pilot with over 4,600 flying hours in fighter aircraft, including 276 combat missions in Southeast Asia. His impressive list of accomplishments include command of the 4th Aircraft Generation Squadron, 334th Tactical Fighter Squadron, 455th Tactical Group, 355th Tactical Training Wing, 67th Tactical Reconnaissance Wing and the 404th Composite Wing.

During his last assignment, General Short commanded the Allied Air Forces Southern Europe, Stabilization Forces Air Component, and 17th Air Forces Air Component, Naples, Italy, and the 16th Air Force and 16th Air and Space Expeditionary Task Force, U.S. Air Forces in Europe, Aviano Air Base, Italy. As commander of these forces, he was the air principal subordinate commander and the joint and combined forces air component commander for the North Atlantic Treaty Organization’s (NATO) Southern Region. He was responsible for the planning and employment of NATO’s air forces in the Mediterranean area of operations from Gibraltar to Eastern Turkey and air operations throughout the Balkans. General Short led the 16th Air
Force during what was, without question, the most demanding period in its history—a time when it fulfilled a NATO mission of peace enforcement in Bosnia-Herzegovina and later, participated in a NATO-led air war, which removed Slobodan Milosevic’s Serbian military and police forces from Kosovo.

A consummate professional, General Mike Short’s performance of duty during the past thirty-five years of service personify those traits of courage, competence and integrity that we expect from our military officers. His career reflects a deep commitment to our country, to dedicated and selfless service, and to excellence. On behalf of the United States Senate and the people of this great Nation, I commend him for his exemplary service and offer heartfelt appreciation for a job well done. We wish him and his family Godspeed and all the best in their future endeavors.

RETIREE OF JAMES STALDER
• Mr. SANTORUM. Mr. President, I rise today to recognize James Stalder as he retires as Managing Partner from the Pittsburgh office of Pricewaterhouse-Coopers LLP. He initially joined the firm in Pittsburgh, Pennsylvania before transferring to the National Headquarters in New York, where he served as Director of Tax Research and Technical Services for the Ohio Valley Area. In 1988, he was appointed Managing partner of the Price Waterhouse office. Since July 1988, Mr. Stalder has been Managing Partner of the PricewaterhouseCoopers LLP office.

Upon retiring, Mr. Stalder will commence a deanship at Duquesne University where he has been a member of the faculty of the Graduate School of Industrial Administration since 1981. A graduate of The Pennsylvania State University, he also serves as a member of the University’s Smeal College of Business Administration Board of Trustees. Moreover, Mr. Stalder was instrumental in the creation of the Pennsylvania Tax Blue Ribbon Project, which is developing micro simulation economic impact models to assist the Governor and Legislators in Pennsylvania to measure and intelligently debate alternative tax reform proposals. In addition, Mr. Stalder has served as Chairman of the Greater Pittsburgh Chamber of Commerce and in many other leadership roles in similar organizations. I commend Mr. Stalder for his dedicated service to leadership in these organizations.

Mr. Stalder has received numerous awards for outstanding service to his community. Among these is the Distinguished Public Service Award, the top award presented to an individual by the Pennsylvania Institute of Certified Public Accountants, which “honors CPAs who have truly made a difference through active participation in public service.”

Mr. Stalder will be an excellent addition to the administration at Duquesne. Throughout his professional life, he has worked with some of the leading multi-national corporations in the world to use his extensive expertise in tax accounting and related fields, as well as the skills of negotiating and deal making.

James Stalder is a role model not only to the residents of Pittsburgh but to the entire Commonwealth of Pennsylvania. I wish him the best as he takes on new challenges.

THE SITUATION IN ZIMBABWE
• Mr. MCCAIN. Mr. President, in assessing the situation in Zimbabwe today, permit me to quote a long-time supporter of that country’s ruling party in reference to that party: “If I give my name, they might hear and come for me at night.” Such is the pervasive level of fear that has permeated Zimbabwe over the past several months and threatens that country with a degree of political instability not seen since white-minority rule gave way to the creation of the Republic of Zimbabwe. The autocratic regime of Robert Mugabe, threatened by the growth of a viable democratic opposition, is responding the word dictatorial regimes the world over generally do, with violence aimed at subverting the will of the people.

Permit me to quote from the June 3 issue of The Economist for a sense of what is going on inside Zimbabwe today:

“Intimidation is rampant in the countryside—peasants are told that their votes are theft and in some cases killed. Rural clinics and hospitals have been ordered to refuse treatment to opposition supporters. Teachers in the countryside have been singled out for attack, dragged from their classrooms and beaten in front of their students. Some female teachers have been stripped naked. More than 260 rural schools have been burned down. As chairman of the International Republican Institute, which has maintained a presence in Zimbabwe along with its counterpart National Democratic Institute, I am appalled at developments in that southern African country. Parliamentary elections, which were expected to result in a convincing victory for the opposition Movement for Democratic Change and thus threaten the ruling Zimbabwe African National Union-Patriotic Front’s 20-year hold on power, are being systematically undermined by a regime of campaign violence and intimidation that has been all too common in other countries that resisted the path of democratization. That is unfortunate, for Zimbabwe, like other strife-torn countries of Africa, has the potential to provide its people a far better quality of life than can ever enjoy under one-party rule.

Those parliamentary elections, Mr. President, as with the defeat of the constitutional referendum in February, would have provided ample evidence that the majority of Zimbabweans are tired of corruption, vast unemployment, 60 percent inflation, and the fuel and energy shortages that have become a part of life in a once wealthy nation. The recent decision by the International Republican Institute to withdraw its election observers, however, as well as the United Nation’s withdrawal of its election coordinator, should be seen for what it is: a very clear warning sign that President Mugabe has no intention of permitting free and fair elections, and fully intends to continue his reign of electoral and economic divisions in Zimbabwe for his personal benefit. That President Mugabe refuses to even accredit U.S. Embassy personnel to act as observers is a stinging and unfortunate rebuke to the international community. The recent jailing of an opposition activist, with whom I had the privilege of meeting in my office only two months ago not only augurs ill for the future of Zimbabwe, but hurts me deeply for the promise this fine woman showed in that meeting.

The deterioration of the political situation in Zimbabwe is the direct result of the unwillingness of President Mugabe to countenance any level of political opposition that threatens his hold on power. And make no mistake, that some ruling party members have come under attack by the opposition does not place both sides on an equal moral footing. On the contrary, Amnesty International and other foreign observers have been very clear that the government and its supporters are responsible for the violence that has wrecked a country that had enjoyed 20 years of peace, flawed though it was by the neglect of a despotic regime. The 30 or so deaths and hundreds of injuries that have occurred may, I fear, be only a precursor to greater violence should the Movement for Democratic Change continue to attempt to mount a credible campaign against one-party rule.

Mr. President, some may look at the seizure of white-owned farms by black...
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squatters openly and vociferously encouraged by President Mugabe, and the murder of some of those farmers, through the prism of the former colonial and white-minority rule. That would be a tragic mistake. The deteriorating situation in Zimbabwe is directly tied to President Mugabe’s autocratic rule and desperate attempt to hold back the tides of history, which appear to favor democracy. Mugabe’s rejection of South African President Thabo Mbeki’s efforts at brokering a quasi-reasonable resolution of the land-reform issue was further evidence of his growing penchant for petty tyranny as a substitute for enlightened government.

It is imperative that the United States, the European Community and, most importantly, the Organization of African Unity continue ensuring Mugabe to reverse his current dictatorial policies and allow for the conduct of free and fair elections. His failure to do so should be widely condemned. What ails Zimbabwe is not racial tension, but the age-old problem of a dictator who fails to read the writing on the walls. As with others before him, he will find, I suspect, that his world will become more and more confined, more and more restrictive and his actions more and more desperate. At a time when Sub-Saharan Africa has become synonymous with civil strife and the international community debates the ongoing wars in Sierra Leone and Congo, while conflict continues in Angola and ethnic violence continues in and around Rwanda and Burundi, Zimbabwe should have been a beacon of political stability and economic development. Instead, it descends into the darkness of tyranny. It is hopefully not too late to reverse the situation there, but the signs are not encouraging.

MESSAGE FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4578. An act making appropriations for the Departments of the Interior and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is approved by the voters of the District of Columbia.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. REID:

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; to the Committee on Energy and Natural Resources.

CALIFORNIA TRAIL INTERPRETIVE ACT

By Mr. REID. Mr. President, I rise today to introduce the California Trail Interpretive Act.

The nineteenth century westward emigration on the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical era in the settlement of the West. This influx of settlers contributed to the development of lands in the western United States by Americans and immigrants and to the prevention of colonization of the west coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and documented their amazing experiences in detailed journals. Under the National Trails System Act, the Secretary of Interior may establish interpretation centers to document and celebrate pioneer trails such as the California National Historic Trail. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. President, recognition and interpretation of the pioneers’ experiences on the Trail is appropriate in light of Americans’ strong interest in understanding our history and heritage. Those who pursue Western Americana, and thousands do, will find physical evidence of the documented hardships facing the original pioneers. This intrepid pioneer journal bemoaned the death of an elderly lady traveling west with her family. Her grave and its marker are in evidence in the Beowawe Cemetery near the trail river crossing known as Grizzly Ford for historical confirmation. And, if the present-day explorers choose to walk part of the California Trail, they may do so at this place. To the east of this river crossing is around five miles of undisturbed trail that leads down from what is known as “Emigrant Pass”.

This Act authorizes the planning, construction and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County, the City of Elko, and Bureau of Land Management. This interpretive center will be located near the city of Elko, in northwestern Nevada. The location is the junction of the California Trail and the Hastings Cutoff. The ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route: precious time wasted that kept them from crossing the deadly Sierra Nevada before winter struck in 1846.

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. CON. RES. 124. A concurrent resolution expressing the sense of the Congress with regard to Iraq’s refusal to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. CON. RES. 124. A concurrent resolution expressing the sense of the Congress with regard to Iraq’s refusal to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.
This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of Pioneer trails in the West in the development of the United States.

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

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

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

S. 2749

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 “California Trail Interpretive Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSE.—The purposes of this Act are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CALIFORNIA TRAIL.—The term “California Trail” means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term “Center” means the California Trail Interpretive Center established under section 4(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term “State” means the State of Nevada.

SEC. 4. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the “California Trail Interpretive Center”, near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(i) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106-99; and

(ii) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting department services; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this Act; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this Act, as determined by the Secretary, including: 1

(i) contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $12,000,000.

By Mr. REID:

S. 2750. A bill to direct the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada, to the Committee on Environment and Public Works.

LAS VEGAS WASH WETLAND RESTORATION AND LAKE MEAD WATER QUALITY IMPROVEMENT ACT OF 2000

Mr. REID. Mr. President, I am pleased to introduce today the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Act of 2000. This bill is important for Nevada's families and for the environment, because water is our most precious natural resource.

My bill is the product of a visionary, locally-led initiative designed to develop and implement a plan that would provide better water quality in the Las Vegas basin.

Importantly, my bill would safeguard southern Nevada's water supply and improve the unique desert wetlands environment of the Las Vegas Wash.

I would like to review some of the history that contributed to the development of this bill.

In 1998, in response to a recommendation by a citizens' water quality advisory committee, the Las Vegas Wash Coordination Committee was formed to develop a comprehensive Adaptive Management Plan (AMP) for the Las Vegas Wash ecosystem.

The AMP, which was developed by the Las Vegas Wash Coordination Committee over the past two years and approved early this year by the Southern Nevada Water Authority, represents a vision for how local, State, and Federal stakeholders can work together to achieve shared water quality and ecosystem restoration goals in the Las Vegas basin.

First and foremost, the AMP is a locally-driven strategy. The stakeholder working group, coordinated by the Southern Nevada Water Authority and comprised of 28 groups, contributed their varied perspectives and good ideas to the development of this plan.

A draft of the AMP was published for public comment in October 1999. In January 2000, the Southern Nevada Water Authority finalized and approved the AMP.

Chief among the recommendations in the AMP was the call for development of a partnership consisting of local, State, Federal agencies with interests in the Las Vegas Wash ecosystem. I view this plan as a Nevada solution to a tremendous local challenge of accelerated erosion and deteriorating water quality.

I commend the local, State, and Federal stakeholders that helped create the AMP for their hard work, cooperation, and dedication to improving Southern Nevada's environment for Nevada's families today and for future generations.

By Mr. REID:

S. 2750.
The Federal government, by virtue of its land ownership in Nevada and responsibilities at Lake Mead, has an obligation to help make the plan work. In addition, the Federal government is uniquely responsible for the perchlorate contamination which contributes to the groundwater contamination that pollutes Las Vegas Wash run-off, and directs the relevant Federal agencies to participate in efforts to restore Las Vegas Wash and protect Lake Mead’s water quality. These agencies include: the Environmental Protection Agency, the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the Natural Resources Conservation Service, the Fish and Wildlife Service, and the Army Corps of Engineers.

I hope that the Senate will move quickly to consider and pass this bill so that Federal agencies can become full partners in the effort to rehabilitate and conserve the Las Vegas Wash desert ecosystem and to improve water quality in southern Nevada’s most heavily used watershed.

By Mr. REID:

S. 2751. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

WASHOE TRIBE LAND CONVEYANCE LEGISLATION

Mr. REID. Mr. President, I rise today to introduce the Washoe Tribe Lake Tahoe Access Act.

In 1997, I helped convene a Presidential Forum at Lake Tahoe to discuss the future of the Lake Tahoe Basin. Through Presidents Clinton, Federal, State, and local government leaders, we addressed the protection of the extraordinary natural, recreational, and ecological resources of the Lake Tahoe region. Goals and an action plan developed during the Lake Tahoe Forum were codified as the “Presidential Forum Deliverables.” These Deliverables included supporting the traditional and customary use of the Lake Tahoe Basin by the Washoe Tribe. Perhaps, most importantly, the Deliverables included a provision designed to provide the Washoe Tribe access to the shore of Lake Tahoe for cultural purposes.

Mr. President, the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the “Tribe”) included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory.

In 1997, at the request of Mr. ASHCROFT, the sponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. ASHCROFT, the name of the Senator from North Dakota (Mr. CONRAD) was added as a co-sponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a co-sponsor of S. 827, to establish drawback for imports of benzothiazolesulfenamide based on exports of t-butyl-2-benzothiazolesulfenamide, the name of the Senator from Iowa (Mr. HARKIN) was added as a co-sponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Education Improvement Act of 1985, to reauthorize the National Research Initiative, to establish a National Institute of Food and Agriculture, and for other purposes.
Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

At the request of Mr. Kyl, the names of the Senator from Wyoming (Mr. Thomas), the Senator from Montana (Mr. Burns) and the Senator from Minnesota (Mr. Gramm) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

At the request of Mr. DeWine, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

At the request of Mr. Grassley, the name of the Senator from Nevada (Mr. Reid) was withdrawn as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

At the request of Mr. Grassley, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the resources necessary to cover certain expenses for long-term training of employees in highly skilled small business trades.

At the request of Mr. Campbell, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2292, a bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes.

At the request of Mr. Coverdell, the name of the Senator from Texas (Mr. Gramm) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

At the request of Mr. Collins, the name of the Senator from Virginia (Mr. Robb) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

At the request of Mr. Johnson, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

At the request of Mr. Leahy, the name of the Senator from Iowa (Mr. Harkin) was added as a cosponsor of S. 2619, a bill to provide for drug-free prisons.

At the request of Mr. Domenci, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

At the request of Mr. Smith of Oregon, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

At the request of Mr. Durbin, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 3172, a resolution to express the sense of the Senate regarding Federal procurement opportunities for women-owned small business.

At the request of Mr. Bond, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 3172, a resolution to express the sense of the Senate regarding Federal procurement opportunities for women-owned small business.

At the request of Mr. Helms, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of Amendment No. 3172 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

WHEREAS in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolution 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

WHEREAS United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

WHEREAS the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

WHEREAS the Government of Kuwait, in accordance with Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased forces of the Member States cooperating with Kuwait;

WHEREAS United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC and the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

WHEREAS Iraq has denied the ICRC access to Iraqi prisoners in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

WHEREAS Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations; Now, therefore, be it

11240

CONGRESSIONAL RECORD—SENATE

June 19, 2000

SENATE CONCURRENT RESOLUTION 124—EXPRESSING THE CONCERN OF THE CONGRESS WITH REGARD TO IRAQ’S FAILURE TO RELEASE PRISONERS OF WAR FROM KUWAIT AND NINE OTHER NATIONS IN VIOLATION OF INTERNATIONAL AGREEMENTS

S. CON. RES. 124

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

WHEREAS in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed those files on to Iraq, the United Nations, and the Arab League;

WHEREAS numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

WHEREAS eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

WHEREAS official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

WHEREAS in 1991, the United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased forces of Kuwait and the Member States cooperating with Kuwait;

WHEREAS United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC and the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

WHEREAS Iraq has denied the ICRC access to Iraqi prisoners in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

WHEREAS Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations; Now, therefore, be it

WHEREAS Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations;
Resolved by the Senate (the House of Representa-
tives concurring), "That—

(1) the Congress—

(A) acknowledges that there remain 665 pris-

oners of war unaccounted for in Iraq, al-

though Kuwait was liberated from Iraq's bru-
tal invasion and occupation on February 26, 
1991;

(B) condemns and denounces the Iraqi Gov-
ernment's failure to comply with inter-
national human rights instruments to which it is a party;

(C) urges Iraq immediately to disclose the names of the labors of those who are still alive among the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(D) insists that Iraq immediately allow hu-
manitarian organizations such as the Inter-
national Committee of the Red Cross to visit the living prisoners and to recover the re-

mains of those who have died while in cap-
tivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) strongly and urgently work with the international community and the Govern-
ment of Kuwait, in accordance with United Nations Security Council Resolutions 668 and 687, to secure the release of Kuwaiti pris-

oners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(B) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupa-

tion of Kuwait, and to join the community of nations with a humane gesture of good 

will and decency.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOP-
MENT, FOOD AND DRUG ADMIN-
ISTRATION AND RELATED AGEN-
CIES APPROPRIATIONS ACT, 2001

LEYIN (AND OTHERS) AMENDMENT
NO. 3457

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Ms. COLLINS, 
Mr. SCHUMER, Mr. JEFFORDS, Mrs. MUR-
RAY, Ms. SNOWE, Mr. MOYNIHAN, Mr. 
LEAHY, Mr. ROCKETELEFGER, Mr. ROBB, 
and Mr. DUBBIN) submitted an amend-
ment intended to be proposed by them to 
the bill (S. 2536) making appropri-
ations for Agriculture, Rural Develop-
ment, Food and Drug Administration, 
and Related Agencies programs for 
the fiscal year ending September 30, 2001, 
and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

Sec. 7. ...APPLE MARKET LOSS ASSISTANCE 
AND QUALITY LOSS PAYMENTS FOR APPLES 
AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) In general.—In order to provide relief for 
loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) Payment quantity.—

(A) In general.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible 

for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) Maximum quantity.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make pay-

ments to apple producers, and potato pro-
ducers, that suffered quality losses to the 1999 crop of potatoes and apples, respec-
tively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NON-DUPLICATION OF PAYMENTS.—A pro-
ducer shall be ineligible for payments under 
this section with respect to a market or 

quality loss for apples or potatoes to the ex-
tent that the producer is eligible for com-

pensation or assistance for the loss under 

any other Federal program, other than the 
Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) transmitted by the President to Con-
gress.

(2) DESIGNATION.—The entire amount nec-

essary to carry out this section is designated 

by Congress as an emergency requirement, 

pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

• Mr. LEVIN, Mr. President, I rise 
today to introduce an amendment to the Senate Agriculture, Rural Develop-
ment, Food and Drug Administration and Related Agencies Appropriations Bill that seeks to provide much needed 

assistance to our nation's apple and po-
tato farmers. In the past three years, 

due to weather related disasters, dis-
ease and the dumping of Chinese apple 
juice concentrate, our nation's apple 

producers have lost over three-quarters of a billion dollars in revenue. Like-

wise, potato producers in much of the 

country have struggled to overcome adverse weather conditions which have 

reduced the value of or, in some cases, 
destroyed their crops. This has left 

many growers on the brink of financial 

disaster.

In the past two years, Congress has 

assisted America's farmers by pro-

viding substantial assistance to agri-
cultural producers. However, apple and 
potato growers have received little, if any, 
of that assistance. The $115 million in 

assistance we are proposing will help 

assist our nation's apple and potato 
growers, and I urge all Senators to sup-
port me in this matter.

NATIONAL DEFENSE AUTHORIZA-
TION ACT FOR FISCAL YEAR 2001

McCAIN AMENDMENT NO. 3458

Mr. WARNER (for Mr. MCCAIN) pro-
posed an amendment to the bill (S. 
2549) to authorize appropriations for 
National Defense for fiscal year 2001 for 
activities of the Department of Defense, for 
military construction, and for defense ac-

tivities of the Department of Energy, to 

prescribe personnel strengths for such 

fiscal year of the Armed Forces, and for 
other purposes, as follows:

On page 239, following line 22, add the fol-

lowing:

SEC. 656. CLARIFICATION OF DEPARTMENT OF 
VETERANS AFFAIRS DUTY TO AS-
sist.

(a) In general.—Section 5107 of title 38, 
United States Code, is amended to read as follows:

"§5107 Assistance to claimants; benefit of the doubt; burden of proof.

"(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as de-
scribed in section 5106 of this title. The Sec-
duty shall provide a medical examination when such examination may substantiate en-
titlement to the benefits sought. The Sec-
duty may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such as-

sistance will aid in the establishment of en-
titlement.

"(b) The Secretary shall consider all evi-
dence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.

"(b) Clerical amendment.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5107 and inserting the fol-

lowing new item:

"§5107 Assistance to claimants; benefit of the doubt; burden of proof.

DODD AMENDMENT NO. 3459

Mr. LEVIN (for Mr. DODD) proposed an amendment to the bill, S. 2549, sup-

posed as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES 
OR MARKERS FOR MARKED GRAVES OR TO ENCOMMI-
DATE CERTAIN INDIVIDUALS.

(a) In general.—Section 2306 of title 38, 
United States Code, is amended to read as follows:

"(2) by adding at the end the following:

"(A) The Secretary shall assist a claimant

in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as de-
scribed in section 5106 of this title. The Sec-
duty shall provide a medical examination when such examination may substantiate en-
titlement to the benefits sought. The Sec-
duty may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such as-

sistance will aid in the establishment of en-
titlement.

"(B) The Secretary shall consider all evi-
dence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.

"(B) Clerical amendment.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5107 and inserting the fol-

lowing new item:

"§5107 Assistance to claimants; benefit of the doubt; burden of proof."
“(f) A headstone or marker furnished under subsection (a) may be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.”.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave of any individual who died before November 1, 1990, for which the Administrator of Veterans’ Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

WARNER AMENDMENT NO. 3469
Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike ‘‘$1,479,950,000’’ and insert ‘‘$1,509,950,000’’.
On page 17, line 5, strike ‘‘$8,745,958,000’’ and insert ‘‘$8,715,958,000’’.

CLELAND (AND COVERDELL) AMENDMENT NO. 3461
Mr. LEVIN (for Mr. CLELAND (for himself, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $8,000,000.

(2) Of the amount authorized to be appropriated by section 201(3), as increased by paragraph (1), the amount available for Electronic Warfare Development (PES94270F) is hereby increased by $8,000,000, with the amount of such increase available for the Precision Location and Identification Program (PLAID).

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Army is hereby decreased by $8,000,000, with the amount of the reduction applied to Electronic Warfare Development (PES94270A).

WARNER AMENDMENT NO. 3462
Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike ‘‘$1,479,950,000’’ and insert ‘‘$1,509,950,000’’.
On page 17, line 5, strike ‘‘$8,745,958,000’’ and insert ‘‘$8,715,958,000’’.

LANDRIEU AMENDMENT NO. 3463
Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretaries of the Army and the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

WARNER AMENDMENT NO. 3464
Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 393, between lines 6 and 7, insert the following:

SEC. 814. STUDY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76 PROCESS.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study rules, and the administration of the rules, governing the selection of commercial or industrial functions for the Federal Government from between public and private sector sources, including experience in changing from the performance of those functions by government to the performance of those functions by private contractors.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States Government.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the Office of Management and Budget Circular A-76 process to the panel for public consideration of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representing or associated with the type of federal labor organizations not represented on the panel.

(d) INFORMATION FROM AGENCIES.—The panel shall have secure access to any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection 814, including the Office of Management and Budget Circular A-76 process. Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(e) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress.

(f) DEFINITION.—In this section, the term ‘‘federal labor organization’’ has the meaning given the term ‘‘labor organization’’ in section 7103(a)(4) of title 5, United States Code.

FEINSTEIN AMENDMENT NO. 3465
Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, strike line 20 and insert the following:

Part III—Air Force Conveyances

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 32 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction of submarine rescue support vessels through fiscal year 1980, and shall submit to Congress a report on the results of the study.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Payment during the lease shall be established at the rate necessary to permit the lessee to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall conduct an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining
whether a proposed conveyance accomplishes the purposes and in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to the conveyance. The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Part IV—Defense Agencies Conveyances

SANTORUM AMENDMENT NO. 3466
Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)—

(1) $318,646,000 is available for the procurement of remanufactured AV-8B aircraft;

(2) $190,000 is available for the procurement of UC-35 aircraft;

(3) $3,300,000 is available for the procurement of automatic flight control systems for EA-6B aircraft;

(4) $6,000,000 is available for engineering change proposal 583 for FA-18 aircraft.

LANDRIEU AMENDMENT NO. 3467
Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) AVAILABILITY OF INCREASED AMOUNT.—

(1) Of the amount authorized to be appropriated by section 102(1), for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262, 112 Stat., 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes described in that paragraph are in addition to any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (a) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government.

SCHUMER AMENDMENT NO. 3471
Mr. LEVIN (for Mr. SCHUMER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The protection of our Nation’s critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation’s critical sectors such as financial services, transportation, communications, energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interdependent computer systems.

(3) Threats to our Nation’s critical infrastructure will continue to grow as foreign governments, terrorist groups, and cybercriminals increasingly focus on information warfare as a method of achieving their aims.

(4) The protection of our Nation’s critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD-63) identifies 12 areas critical to the

KENNEDY AMENDMENT NO. 3469
Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to amendment No. 3383 previously proposed to the bill, S. 2549, supra; as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—Section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65, 113 Stat. 675) is amended in the text of section 991 of title 10, United States Code, set forth in such section 586(a)—

(1) in subsection (a), by striking “an officer in the grade of general or admiral” in the second sentence and inserting “the designated component commander for the member’s armed force”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or homeport, as the case may” before the period at the end;

(B) is—

(i) a hospitalization of the member at the homeport, as the case may

(ii) a lesser distance from the member’s permanent train

(iii) by adding at the end the following:

(b) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the exceptions to the Secretary’s tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.

SCHUMER AMENDMENT NO. 3470
Mr. WARNER (for himself, Mr. HUTCHINSON, and Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (a) shall not establish a permanent change of station for the member, or member’s permanent residence; or

(c) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the exceptions to the Secretary’s tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.
functioning of the United States and requires Federal agencies to establish information assurance strategies as part of their missions. 

(b) PDD–63 requires lead Federal agencies to develop their own internal information assurance strategies, and encourages private sector industries to develop and comply with strategies intended to enhance the Nation’s ability to protect its critical infrastructure.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on the roles and responsibilities of the Department of Defense in defending against attacks on critical infrastructure and critical information-based systems. The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan;

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries;

(C) Description of the manner in which the Department is integrating its various capabilities and assets within the Joint Task Force on Computer Network Defense (JTF-CND), and the National Communications System into an indications and warning architecture;

(D) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare; and

(E) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

THOMPSON (AND OTHERS) AMENDMENT NO. 3472

Mr. WARNER (for Mr. THOMPSON (for himself), Mr. LIEBERMAN, Mr. AKAKA, Mr. JORDAN, Mr. WHITE, Mr. ABRAHAM, Mr. HELMS, and Ms. COLLINS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 471, between lines 8 and 9, insert the following:

TITLE XIV—GOVERNMENT INFORMATION SECURITY REFORM

SEC. 1401. SHORT TITLE

This title may be cited as the "Government Information Security Act".

SEC. 1402. COORDINATION OF FEDERAL INFORMATION SECURITY

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

"SUBCHAPTER II—INFORMATION SECURITY"

§ 3531. Purposes

"The purposes of this subchapter are to—

(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that are necessary for Federal information systems; and

(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperable environments, and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

(B) provide effective governmentwide management and oversight of the related information security programs, including coordination of information security efforts throughout the Government, and law enforcement communities;

(C) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

(D) provide a mechanism for improved oversight of Federal agency information security programs.

§ 3532. Definitions

"(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

(b) As used in this subchapter the term—

(1) ‘information technology’ has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401); and

(2) ‘mission critical system’ means any telecommunications or information system used or operated by an agency or by a contractor of an agency that—

(A) is defined as a national security system under the Clinger-Cohen Act of 1996 (40 U.S.C. 1452); and

(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.

§ 3533. Authority and functions of the Director

"(a)(1) The Director shall establish governmentwide policies for the management of programs that—

(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency’s business operations; and

(B) include information technology architectures as defined under section 3525 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425).

(2) Policies under this subsection shall—

(A) be founded on a continuing risk management cycle that recognizes the need for—

(i) identify, assess, and understand risk; and

(ii) determine security needs commensurate with the level of risk;

(B) implement controls that adequately address the risk;

(C) promote continuing awareness of information security risks;

(D) continually monitor and evaluate policy and control effectiveness of information security practices.

(b) The authority under subsection (a) includes the authority to—

(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1413(b)(5); Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk of information, including the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

(3) direct the heads of agencies to—

(A) identify, use, and share best security practices;

(B) develop an agency-wide information security plan;

(C) incorporate information security principles and practices throughout the life cycles of the agency’s information systems; and

(D) ensure that the agency’s information security program is practiced throughout all life cycles of the agency’s information systems;

(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3); and

(5) oversee and coordinate compliance with this section in a manner consistent with—

(A) sections 502 and 525a of title 5;

(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note); Public Law 100–235; 101 Stat. 1729; and

(E) related information management laws;

(6) take any authorized action under section 513(b) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1431(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriation management process, to enforce accountability of the head of an agency for information resources management, including the requirements of this subchapter, and for the implementation of agency components made by the agency in information technology, including—

(A) recommending a reduction or an increase in any amount for information resources associated with the Federal agency responsible for the budget submitted to Congress under section 105(a) of title 31;
(B) reducing or otherwise adjusting appointments and reappointments of appointments for investigation-related positions; and
(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

2. (c) The authorities of the Director under this section may be delegated—

(1) to the Secretary of Defense, the Director of National Intelligence, and other agency heads as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 5332(b)(2); and

(2) to the Inspector General or by an independent evaluation—

(a) to an agency head as designated by the Chief Information Officer established under section 3506, or

(b) other Federal Information systems, only to the Deputy Director for Management of the Office of Management and Budget.

§ 3534. Federal agency responsibilities

(a) The head of each agency shall—

(1) be responsible for—

(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems, supporting agency operations and assets;

(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

(C) ensuring that the agency’s information security plan is practiced throughout the life cycle of each agency system;

(2) ensure that appropriate senior agency officials are responsible for—

(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

(B) determining the levels of information security appropriate to protect such operations and assets; and

(C) periodically testing and evaluating information security controls and techniques;

(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by the authority to administer all functions under this subchapter including—

(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

(B) developing and maintaining an agencywide information security program as required under subsection (b); and

(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques.

(4) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

(E) assisting senior agency officials concerning responsibilities under paragraph (2).

(5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—

(A) implements appropriate remedial actions based on and reports to the agency on—

(i) the results of such tests and evaluations; and

(ii) the chief progress of remedial actions.

(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.

(2) Each program under this subsection shall include—

(A) periodic risk assessments that consider internal and external threats to—

(i) the integrity, confidentiality, and availability of systems; and

(ii) data supporting critical operations and assets;

(B) policies and procedures that—

(i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and

(ii) ensure compliance with—

(I) the requirements of this subchapter;

(II) policies and procedures as may be prescribed by the Director; and

(III) any applicable requirements;

(C) security awareness training to inform personnel of—

(i) information security risks associated with the operations and assets of the agency, including operations and assets provided or maintained by or for the agency; and

(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

(ii) a process for ensuring remedial action to address shortfalls and deficiencies; and

(E) procedures for detecting, reporting, and responding to security incidents, including—

(i) mitigating risks associated with such incidents before substantial damage occurs;

(ii) notifying and consulting with law enforcement officials and other authorities; and

(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration.

(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President.

(4)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

(A) the time periods; and

(B) related information security policies, procedures, standards, and guidelines; and

(C) the effectiveness of information security control techniques.

(5) The Inspector General or the independent evaluator performing an evaluation under this subsection including the Comptroller General may use any audit, evaluation, or report relating to programs or practices of the applicable agency.

(b)(1) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under subsection (b)(1) shall be performed by an entity designated by the Inspector General or by an independent evaluator, as determined by the Inspector General.

(b)(2) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under any other agency head as designated by the Comptroller General or by an independent evaluator, as determined by the Comptroller General.

(c) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

(4) Not later than 1 year after the date of enactment of this subchapter, and on that date every year thereafter, the applicable agency shall submit to the Congress—

(A) a summary of the results of the evaluation required under this section, other than an evaluation conducted under title 31. (D) program performance under sections 1105 and 1115 through 1118, and sections 2801 through 2803 of title 31; and

(E) financial management under—

(1) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) and the amendments made by that Act; (2) the Federal Financial Management Improvement Act of 1990 (31 U.S.C. 3512 note) and the amendments made by that Act; and

(3) the internal controls conducted under section 5121 of title 31. Any significant deficiencies in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan requirements under section 1115 of title 31 a description of—

(A) the time periods; and

(B) the resources, including budget, staffing, and training, which are necessary to implement the program.

(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).

§ 3535. Annual independent evaluation

(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices within that agency.

(2) Each evaluation under this section shall include—

(A) an assessment of compliance with—

(i) the requirements of this subchapter; and

(ii) related information security policies, procedures, standards, and guidelines; and

(B) tests of the effectiveness of information security control techniques.

(3) The Inspector General or the independent evaluator performing an evaluation under this section including the Comptroller General may use any audit, evaluation, or report relating to programs or practices of the applicable agency.

(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General.

(b)(2) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Director of Defense, the Director of Central Intelligence, or other agency head as designated by the President.

(2) For any agency to which paragraph (1) does not apply, the Inspector General or by an independent evaluator, as determined by the Inspector General.

(c) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.
of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

(d)(1) Each year the Comptroller General shall review—

(A) the evaluations required under this section of an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

(B) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

(C) other information security evaluation results.

(2) The Comptroller General shall report to Congress regarding the results of the review required under paragraph (1) and the adequacy of agency information programs and practices.

(3) Evaluations and audits of evaluations of systems under the authority, and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense—

(A) shall not be provided to the Comptroller General under this subsection; and

(B) shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

(4) Agencies and evaluators shall take ap- propriate actions to ensure the protection of information, the disclosure of which may ad- versely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.

SEC. 1403. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—Notwithstanding section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 276q–3) and except as provided under subsection (b), the Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, as required or when requested, shall—

(1) develop, issue, review, and update standards and guidance for the security of Federal information systems, including the development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Fed- eral agencies of such vulnerabilities as soon as those vulnerabilities are known.

(b) DEFENSE AND THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Notwithstanding section 3533 of title 44, United States Code (as added by section 1402 of this Act), the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President, shall, consistent with their re- spective authorities,

(A) develop and issue information security policies, standards, and guidelines for sys- tems described under subparagraphs (A) and (B) of section 3532(b) of title 44, United States Code (as added by section 1402 of this Act), that provide more stringent protection than the policies, principles, standards, and guidelines required under section 3533 of such title; and

(B) ensure the implementation of the infor- mation security policies, principles, stand- ards, and guidelines described under subpara- graph (A).

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines devel- oped by the Director of Central Intelligence under paragraph (1) shall address the full range of infor- mation assurance measures needed to pro- tect and defend Federal information and in- formation systems by ensuring their integ- rity, confidentiality, authenticity, avail- ability, and nonrepudiation.

(c) DEPARTMENT OF JUSTICE.—The Depart- ment of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security inci- dents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) lawful uses of security techniques and technologies.

(d) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—

(1) review and update General Services Ad- ministration guidance to agencies on ad- dressing security considerations when ac- quiring information technology; and

(2) assist agencies in—

(A) fulfilling agency responsibilities under section 3534(b)(2)(E) of title 44, United States Code (as added by section 1402 of this Act); and

(B) the acquisition of cost-effective security products, services, and incident response capabilities.

(e) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning com- puter security training for Federal civilian employees;

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices; and

(3) work with the National Science Foun- dation and other agencies on personnel and training initiatives (including scholarships and fellowships, as authorized by law) as neces- sary to ensure that the Federal Government—

(A) has adequate sources of continuing in- formation security education and training available for employees; and

(B) has an adequate supply of qualified in- formation security professionals to meet agency needs.

(f) INFORMATION SECURITY POLICIES, PRIN- CIPLES, STANDARDS, AND GUIDELINES.—

(1) IN GENERAL.—Notwithstanding any pro- vision of this title (including any amend- ment made by this title)—

(A) the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President shall de- velop such policies, principles, standards, and guidelines for mission critical systems subject to their control;

(B) the policies, principles, standards, and guidelines developed by the Secretary of De- fense, the Director of Central Intelligence, and other agency head as designated by the President shall be consistent in substance and extent that such policies are consistent with policies and guidance developed by the Director of the Of- fice of Management and Budget and the Sec- retary of Commerce.

(2) TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading "SUBCHAPTER I—FEDERAL INFORMATION POLICY";

and

(B) by inserting after the item relating to section 3502 the following:

"SUBCHAPTER II—INFORMATION SECURITY"

"Sec. 3531. Purposes.

3532. Definitions.

3533. Authority and functions of the Direc- tor.

3534. Federal agency responsibilities.

3535. Annual independent evaluation.

and

(2) by inserting before section 3501 the fol- lowing:

"SUBCHAPTER I—FEDERAL INFORMATION POLICY"

"Sec. 3531. Purposes.

3532. Definitions.

3533. Authority and functions of the Direc- tor.

3534. Federal agency responsibilities.

3535. Annual independent evaluation."
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KENNEDY (AND OTHERS) 
AMENDMENT NO. 3473

Mr. LEVIN (for Mr. KENNEDY (for himself, Mrs. BOXER, Mr. L. CHAFEE, Mr. DASCALI, Mr. DODD, Mr. BURKIN, Mr. HARKIN, Mr. JEFFORDS, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, and Mr. REED)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

TITLE —LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2000

SEC. 01. SHORT TITLE.

This title may be cited as the “Local Law Enforcement Enhancement Act of 2000”.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the victim’s family and friends, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, includ-
ing—

(A) by impeding the movement of members of targeted groups and forcing such members to move across state lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment, the 14th, and 15th amendments to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery, or containing such involuntary servitude.

(11) Both at the time when the 13th, 14th and 15th amendments to the Constitution of the United States were adopted, and continuing to date, membership in certain religious and national origin groups was perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 03. DEFINITION OF HATE CRIME.

In this title, the term “hate crime” has the same meaning as in section 280006(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) Assistance Other Than Financial Assistance.

(1) In General.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the victim’s race, color, religion, national origin, gender, sexual orientation, or disability or is a violation of the hate crime laws of the State of Indian tribe.

(2) Priority.—In providing assistance under paragraph (1), the Attorney General shall have priority to give all possible assistance to offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants.

(1) In General.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes. In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(2) Application.—(A) In General.—Each State desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) Date for Submission.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.
ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person—

(a) in General.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person, because of—

(1) the actual or perceived religion, national origin, gender, sexual orientation, sexual identity, gender identity, or disability of any person—

(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

(A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

(I) across a State line or national border;

(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(b) Circumstances described.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

(I) between State lines; or

(II) involving, or motivated by, the travel of the defendant or the victim;

(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce;

(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

(iv) the conduct described in subparagraph (A)—

(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

(II) otherwise affects interstate or foreign commerce.

(c) Certification Requirement.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, sexual identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

(A) the State does not have jurisdiction or does not have adequate jurisdiction; or

(B) the State has requested that the Federal Government assume jurisdiction; or

(3) the State does not object to the Federal Government assuming jurisdiction; or

(d) the verdict or sentence obtained pursuant to State charges left demonstratively unindicative the Federal interest in eradicating bias-motivated violence.

Definitions.—In this section—

(1) the term ‘‘explosive or incendiary device’’ has the meaning given the term in section 222(a) of this title.

(2) the term ‘‘firearm’’ has the meaning given the term in section 921(a) of this title.

SEC. 10. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) Amendment of Federal Sentencing Guidelines.—Pursuant to its authority under section 904 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of the offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) Consistency with Other Guidelines.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 9. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ‘‘gender,’’ after ‘‘race,’’.

SEC. 10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

HATCH AMENDMENT NO. 3474

Mr. HATCH proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. 3. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) Study.—

(1) Collection of Data.—

(A) Definition of Relevant Offense.—In this paragraph, the term ‘‘relevant offense’’ means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) Collection from Cross-Section of States.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors Association, shall select 10 jurisdictions with laws classifying certain types of offenses as

(C) Requirements.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(3) Deadline.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(4) Grant Amount.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(5) Report.—Not later than December 31, 2001, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(6) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2001 and 2002.

SEC. 5. GRANT PROGRAM.

(a) Authority To Make Grants.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2001, 2002, and 2003 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of the United States Code (as added by this title).

SEC. 7. PROHIBITION OF CERTAIN HATE SUBDIVISION ACTS.

(a) In General.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

249. Hate crimes.

‘‘(a) In General.—

‘‘(1) Offenses involving actual or perceived race, color, religion, or national origin.—Whoever, whether or not acting under color of law, shall be fined in accordance with this title, or both; and

‘‘(2) Offenses involving color, religion, national origin, gender, sexual orientation, sexual identity, gender identity, or disability of any person—

‘‘(A) shall be fined not more than 10 years, fined in accordance with this title, or both; and

‘‘(B) shall be fined not more than 10 years, fined in accordance with this title, or both; and

‘‘(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

‘‘(2) Offenses involving actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person—

‘‘(i) the person was motivated by bias—

(I) against the actual or perceived religion, national origin, gender, sexual orientation, sexual identity, gender identity, or disability of any person; or

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

‘‘(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

‘‘(I) death results from the offense; or

‘‘(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(2) Offenses involving color, religion, national origin, gender, sexual orientation, or disability of any person—

‘‘(i) the person was motivated by bias—

(I) against the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person; or

(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

‘‘(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

‘‘(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(1) Collection of Data.—

(a) Study.—

(1) Collection of Data.—

(A) Definition of Relevant Offense.—In this paragraph, the term ‘‘relevant offense’’ means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) Collection from Cross-Section of States.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors Association, shall select 10 jurisdictions with laws classifying certain types of offenses as
relevant offenses and 10 jurisdictions without such data from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(iii) the numbers and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(ii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(iv) references to the enforcement, investigation, and prosecution of relevant offenses in the jurisdiction, compared with the length of the term of the official responsible for investigating and prosecuting those offenses.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—The Attorney General shall complete a study and submit to Congress a report describing the number of relevant offenses, the effectiveness of the grant funds awarded, and the success of the State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study, the Attorney General shall identify any trends in the commission of relevant offenses specifically by—

(i) the type of crime;

(ii) type of crime commited;

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(iv) references to and descriptions of the laws under which the offenses were punished.

(D) Costs.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 15 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall conduct an audit of the grants awarded under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and (B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated $5,000,000 for each of the fiscal years 2001 and 2002 to carry out this section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 22, 2000 at 11 a.m. in room 485 of the Russell Senate Building to mark up the following: S. 2719, to provide for business development and trade promotion for Native Americans; S. 1658; to authorize the construction of the Missouri River Pick-Sloan Project; for the Yankton Sioux Tribe and the South Dakota; and S. 1148, to provide for business development and trade promotion for Native Americans; to be followed by a hearing, on the Indian Trust Resolution Corporation.

Those wishing additional information may contact committee staff at 202/224–2253.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL, Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, June 27, 2000, in room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Library of Congress and the Smithsonian Institution.

For further information concerning this meeting, please contact Lani Gerst at the Rules Committee on 4–6352.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On June 15, 2000, the Senate amended and passed H.R. 4475, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4475) entitled “An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes,“, do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise ap-propriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,800,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $500,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,500,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,000,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,800,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,500,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,181,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $406,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,192,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $6,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $4,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and making grants, to remain available until expended, $5,300,000, of which $1,400,000 shall only be available for planning for the 2001 Winter Special Olympics; and $2,000,000 shall only be available for the purpose of section 228 of Public Law 106–181.
Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $173,270,000, shall be paid from appropriations made to the Department of Transportation:

Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That no reimbursement of operating expenses shall not apply to non-DOT entities: Provided further, That none of the funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Information Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332; Provided, That such costs, including outlays made in connection with such direct loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize the cost of the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $1,000,000 of which $2,635,000 shall remain available until September 30, 2002: Provided, That notwithstanding standing 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 402 note), and recreation and welfare; $3,039,460,000, of which $261,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 1209, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reimburse the Department of the Navy for the cost of personnel, services, and expenses for the protection of vessels engaged in transportation of military personnel and equipment, as authorized by law, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserve for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, repair, lease and related facilities, equipment, and supplies; for construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $507,477,660, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund: of which $145,936,660 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2003; $54,300,000 shall be available for other equipment, to remain available until September 30, 2003; $68,406,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $3,600,000 shall be available until September 30, 2003; $55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and $42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: Provided, That the Commandant may disburse surplus real property by sale or lease and the proceeds from the sale or lease shall be credited to this appropriation: Provided further, That these funds are available to subsidize the cost of direct loans, shall be as defined in section 502 of the Integrated Deepwater Systems program shall be available for obligation until the submission of a comprehensive capital investment plan for the United States Coast Guard as required by Public Law 106–69: Provided further, That the Commandant shall transfer $5,800,000 to the City of Homer, Alaska, for the construction of a municipally owned and operated harbor, pier, slip, and storage, and to carry out the provisions of subsection 1 of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obliga- tion of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,350,250,000, of which $4,414,809,000 shall be derived from the Airport and Airway Trust Fund, of which $5,039,391,000 shall be available for air traffic services program activities; $691,379,000 shall be available for aviation safety and security program activities; $182,401,000 shall be available for research and acquisition program activities; $138,462,000 shall be available for aviation regulation and certification program activities; $10,000,000 shall be available for commercial space transportation program activities; $20,000,000 shall be available for Research, Development, Test, and Evaluation program activities; $49,906,000 shall be available for Human Resources program activities; $99,347,000 shall be available for Regional Comprehensive Capital Improvement program activities; and $95,764,000 shall be available for Staff Offices program activities: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That none of the funds in this Act shall be available for obligations incurred under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $77,400,000.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of airport planning, design, and construction, and performing activities, $12,906,000,000, of which $4,414,809,000 shall be derived from the Air Transportation System Trust Fund: Provided, That none of the funds in this Act may be used to fund obligations incurred under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $77,400,000.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to support the Coast Guard’s environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.

ALTERNATION OF BRIDGES (HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, $15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $77,400,000.

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other public authorities, and private sources, for expenses of research, engineering, and development, as provided for in the Federal Aviation Administration Pilot Program under section 41743 of title 49, United States Code, to be derived from the Airport and Airway Trust Fund, not less than $105,000,000 shall remain available until September 30, 2003, and of which $132,652,600 shall remain available until September 30, 2001: Provided, That none of the funds in this Act shall be available for the planning or execution of programs related to the planning or execution of such programs if such funds are necessary to maintain aviation safety.

GRANTS-IN- Aid FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 4307, and in accordance with section 119 of the Transportation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $386,651,840 shall be paid in accordance with the long line item for fiscal year 2001: Provided, That none of the funds in this Act shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 101-176, as amended, $33,586,500 shall be available for the Indian Reservation Roads Program under section 204 of title 23, $30,046,440 shall be available for the Public Lands Highway Program under section 204 of title 23, $21,153,100 shall be available for the Park Roads and Parkways Program under section 204 of title 23, and $2,642,800 shall be available for the Refuge Roads program under section 204 of title 23: Provided further, That the Federal Highway Administration will reimburse the Department of Transportation Inspector General $10,000,000 from funds available within this limitation for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-aid HIGHWAYS

(LIMITATION ON OblIGATIONS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001:

AIRPORT AND AIRWAY TRUST FUND

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs, as authorized under subchapter I of chapter 471 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and air traffic services program activities; for administration of programs under section 41017; and for inspection, activities and administration of airport safety programs, including those related to airport operating certificates under section 47706 of title 49, United States Code, if such funds be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2001: Provided, That none of the funds in this heading shall be obligated for administration and air traffic services program activities if such funds are necessary to maintain aviation safety.
shall be made available for Intelligent Transportation System projects in the following specified areas:

- Calhoun County, MI: $500,000
- Wayne County, MI: $1,500,000
- Southeast Michigan
- Indiana: $1,000,000
- Salt Lake City (Olympic Games) $2,000,000
- State of New Mexico: $1,500,000
- Santa Teresa, NM: $1,000,000
- State of Mississippi (Rural): $1,000,000
- Springfield-Branson, MO: $1,500,000
- Kansas City, MO: $2,500,000
- Inglewood, CA: $1,500,000
- Lewis & Clark trail, MT: $2,125,000
- State of Montana: $1,500,000
- Alaska statewide: $2,250,000
- Washoe County, NV: $200,000
- Sacramento to Reno, I–80 $3,750,000
- State of Maryland: $4,000,000
- State of Kentucky: $2,000,000
- New Jersey regional integration/TRANSCOM $1,000,000
- Williamson County/Round Rock, TX: $1,500,000
- Austin, TX $500,000
- Texas Border Ports: $1,000,000
- Oklahoma statewide: $2,000,000
- Vermont statewide: $1,000,000
- Vermont Rural ITS: $3,600,000
- State of Wisconsin: $2,500,000
- Tucson, AZ: $1,500,000
- Cargo Mate, NJ: $1,000,000
- New Jersey regional integration/TRANSCOM: $4,000,000
- State of Kentucky: $2,000,000
- State of Maryland: $4,000,000
- Sacramento to Reno, I–80 corridor: $200,000
- Washoe County, NV: $200,000
- North Las Vegas, NV: $1,800,000
- Delawarstowne: $1,000,000
- North Central Pennsylvania
- Delaware River Port Authority: $1,500,000
- Pennsylvania Traffic Commission
- PennDOT: $3,500,000
- Huntsville, AL: $2,000,000
- Tascalouso/Muscle Shoals: $3,000,000
- Automatic Dispatch Communication System, UAB: $2,000,000
- Oregon statewide: $1,500,000
- Alaska statewide: $4,200,000
- South Western Commercial Area
- Keene ITS: $1,500,000

Program until the National Academy of Sciences completes its tasks.
part of the Washington Union Station trans-
action at a cost of $24,725,000, to remain avail-
able to the Federal Railroad Administra-
tion, to be reimbursed from payments received
from the Union Station Redevelopment Corpora-
tion; Provided further, That the Federal Rail-
road Administration may advance additional
sums as may be necessary for pay-
ment on the first deed of trust may be advanced
by the Administrator from unobligated balances
available to the Federal Railroad Administra-
tion High-Speed Rail program as authorized
by the Administrator from unobligated balances
available to the Federal Railroad Administra-
tion, to be reimbursed from payments received
from the Union Station Redevelopment Corpora-
tion; Provided further, That the Federal Rail-
road Administration will reimburse
the Department of Transportation Inspect-
or General the amount of $610,000 for costs associated
with audits and investigations of all transit-related
issues and systems

**FORMULA GRANTS**

For necessary expenses to carry out 49 U.S.C.
§5307, §5308, §5310, §5311(2), §5312, §5313(a),
§5314, §5315, and §5322, $22,200,000, to remain available
until expended: Provided, That no more than $10,000,000
of budget authority shall be available for these purposes.

**UNIVERSITY TRANSPORTATION RESEARCH**

For necessary expenses to carry out 49 U.S.C.
§503, $1,200,000, to remain available until exp-
ended: Provided, That no more than $6,000,000
of budget authority shall be available for these purposes.

**TRANSIT PLANNING AND RESEARCH**

For necessary expenses to carry out 49 U.S.C.
§503, §504, §505, §511(b)(2), §512, §513(a), §514,
§515, and §516, $24,900,000, to remain available
until expended: Provided, That no more than
$2,646,000,000 of budget authority shall be available
for these purposes: Provided further, That
$5,250,000 is available to carry out transit
cooperative research program (49 U.S.C.
§513(a)), of which $3,000,000 is available for
transit-related research conducted by the Great
Cities Universities research consortia;
$52,113,600 is available for metropolitan plan-
ing (49 U.S.C. §5303, §5304, and §5305); $10,880,400
is available for State planning (49 U.S.C.
§511(b)); and $29,500,000 is available for the na-
tional planning and research program (49
U.S.C. §5314): Provided further, That the total
budget authority made available for the na-
tional planning and research program, the Fed-
eral Transit Administration shall provide the
following amounts for the projects and activities
listed below:

- **Mid-America Regional Council**
  - coordinated transit planning, Kansas City
    metro area ........................................... $150,000
  - Sacramento Area Council of Governments
    quality planning and co-
    ordination study ................................... $250,000
  - Salt Lake Olympics Com-
    mittee multimodal trans-
    portation planning ......................... $1,200,000
  - West Virginia University fuel
    cell technology institute
    propulsion and ITS testing
    University of Rhode Island,
    Kingston traffic congestion
    study ................................................. $1,000,000

- **Georgia Regional Transpor-
  tation Authority regional
  transit study ......................... $350,000
  - Trans-Lake Washington land
    use effectiveness and en-
    hancement review ......................... $450,000
  - State of Vermont electric
    vehicle transit demonstration
    Acadia Island, Maine ex-
    plorer transit system exper-
    imental pilot program ......... $500,000
  - Center for Con-way trans-
    portation factoring ....................... $150,000
  - Southern Nevada air quality
    study ................................................. $950,000
  - Southern California
    Transit Authority ad-
    vanced propulsion control
    system ............................................ $800,000
  - Portland EZlink card
    farebanks and inst-
    all public transport fuel
    clean fuels research .......... $3,000,000
  - National Transit Database ... $2,500,000

**SAFETY AND SECURITY**

For necessary expenses for the Next Genera-
**CAPITAL INVESTMENTS**

For necessary expenses to carry out 49 U.S.C.
§5308, §5309, §5318, and §5327, $529,200,000, to remain available
until expended: Provided, That no more than
$6,047,000,000 of budget authority shall be available for these purposes: Provided further, That
$4,800,000 shall be paid to the Federal Transit
Administration's transit planning and research
account: Provided further, That $51,200,000
shall be paid to the Federal Transit Administra-
tion's university transportation research account: Provided further, That $80,000,000 shall be paid to the Federal Transit
Administration's job access and reverse
commute grants program: Provided further, That $2,116,400,000 shall be paid to the Federal Transit Administration's capital investment
accounts grant funding levels for the respective projects, from the bus and bus-
related facilities projects listed in the accom-
pagnying Senate report:

**PROJECT ACTION**

For necessary expenses to carry out 49 U.S.C.
§5309, §5310, §5311(2), §5312, §5317(b), §5322,
§5327, and §5328 of title 49, Federal
Law 105–178, $5,016,600,000, to remain
available until expended, and to be derived from the
Mass Transit Account of the Highway Trust
Fund:

**TRUST FUND SHARE OF EXPENSES**

Liquidity of Contract Authority

Notwithstanding any other provision of law,
for payment of obligations incurred in carrying out
49 U.S.C. §5303–§5308, §5310–§5315, §5317(b), §5322,
§5327, and §5328 of title 49, Public Law 105–178, $87,800,000 shall be paid to the Federal Transit Administration for the
Highway Trust Fund:
The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:
- Albuquerque/Greater Albuquerque mass transit project;
- Atlanta-MARTA West Line extension study;
- Ballston-Virginia Metro shore commutation;
- Baltimore regional rail transit system;
- Birmingham, Alabama transit corridor;
- Boston Urban Ring;
- Burlington-Bennington, Vermont corridor rail project;
- Calais, Maine Branch Line regional transit program;
- Colorado/Eagle Airport to Avon light rail system;
- Colorado/Roaring Fork Valley rail project;
- Columbus-Central Ohio Transit Authority north corridor;
- Dallas Area Rapid Transit Southeast Corridor Light Rail;
- Danbury-Norwalk Rail Line Re-Electrification project;
- Des Moines commuter rail;
- Detroit Metropolitan Airport light rail project;
- Draper, West Area Commuter, West Valley City and Sandy City, Utah light rail extensions;
- Dulles Corridor, Virginia innovative inter-modal system;
- El Paso/Juarez People mover corridor;
- Fort Worth trolley system;
- Harrisburg-Lancaster capital area transit corridor 1 regional light rail;
- Hollister/Gilroy Branch Line extension;
- Honolulu bus rapid transit;
- Houston advanced transit program;
- Indianapolis Northeast-Downtown corridor project;
- Johnson County, Kansas I-35 Commuter Rail Project;
- Kenosha-Racine-Milwaukee commuter rail extension;
- Los Angeles San Fernando Valley Corridor;
- Los Angeles San Diego LOSSAN corridor project;
- Massachusetts North Shore Corridor project;
- Miami south busway extension;
- New Orleans commuter rail from Airport to downtown;
- New York City 2nd Avenue Subway study;
- Northern Indiana South Shore commuter rail;
- Northeast New Jersey-Northeast Pennsylvania passenger rail;
- Potomac Yards, Virginia transit study;
- Philadelphia SEPTA Cross County Metro;
- Portland, Maine marine highway program;
- San Francisco BART to Livermore extension;
- San Francisco MUNI 3rd street light rail extension;
- Santa Fe-Eldorado rail link project;
- Stockton, California Altamont commuter rail project;
- Vasona light rail corridor;
- Virginia Railway Express commuter rail;
- Whitehall ferry terminal project;
- Wilmington, Delaware downtown transit connector;
- Willowson to Beaverton commuter rail;
- Provided further, That funds made available under the heading “Capital Investment Grants” in Division A, Section 101(g) of Public Law 105-277 for the “Colorado-North Front Range corridor feasibility study” are to be made available for “Colorado-Eagle Airport to Avon light rail system feasibility study”; and that funds made available in Public Law 106-89 under “Capital Investment Grants for buses and bus-related facilities” that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)
Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS
For necessary expenses to carry out section 301(b)(1) of the Federal Transit Act of 1966, $20,000,000, to remain available until expended: Provided, That no more than $100,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)
For necessary expenses for operations and maintenance of the services provided by the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
RESEARCH AND SPECIAL PROGRAMS
For expenses necessary to discharge the functions of the Research and Special Programs Administration, $34,370,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,261,000 shall remain available until September 30, 2003: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to the Harbor Maintenance Trust Fund, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials examinations and approvals functions.

PIPELINE SAFETY
(Pipeline Safety Fund)
(OIL SPILL LIABILITY TRUST FUND)
For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $12,444,000, of which $8,750,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which $31,894,000 shall be derived from the Pipeline Safety Fund, of which $23,432,000 shall remain available until September 30, 2003; of which $2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301; of which $994,000 shall be derived from amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)
For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available
until September 30, 2003: Provided, That not more than $13,227,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5101(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(a) and 5127(d) shall be available for obligation by individuals other than the Secretary of Transportation, or his designee: Provided further, That the deadline for the submission of registration statements and the accompanying registration and processing fees for the July 1, 2000 to June 30, 2001 registration year described under sections 107.608, 107.612, and 107.616 of the Department of Transportation’s final rule docket number RSPA–99–1377 is amended to not later than September 30.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $49,000,000: Provided, That notwithstanding any other provision of law, not to exceed $954,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: Provided, That notwithstanding any other provision of law, not to exceed $2,000 may be used for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 1302, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $39,000,000: Provided, That not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

INQUIRY AND TRANSFERS OF FUNDS

SEC. 301. During the current fiscal year applicable appropriation accounts of the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).
9 of the Federal-Aid Highway Act of 1981; (4) under sections 501(e)(1), 502, 503, and 912 of the Transportation Assistance Act of 1982; (5) under sections 149(h) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1109 of the Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000), as in effect on the day before the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(4) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of Federal-aid highway and highway safety construction programs under title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1947–1945).

(6) Applicability of Obligation Limitations to Transportation Research Programs.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except at the discretion authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(3) Reclassification of Certain Authorized Funds.—Funds distributed for the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 23, United States Code, and section 1619(a) of the Transportation Act of 2001, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

(4) Applicability of Obligation Limitation to Transportation Programs under Title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and which are for obligation in the fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 131(b) of title 23, United States Code.

(1) Special Rule.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5538, previously made available for obligation by the authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway fairway lines and vessels under the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, any voluntary or required consideration of the Department of Transportation to the Federal Aviation Administration (FAA) for instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) in conformity to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program, or other airport development grants. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with the capacity of the equipment to perform.

SEC. 315. None of the funds in this Act shall be available to award a multimodal contract for construction of end items: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government’s liability; or (3) includes a requirement that permits performance under the contract to be continued in subsequent years of the contract without conditioning such performance upon the appropriation of funds. Provided, That the limitation described in this subsection (a) shall not apply to any contract under which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under “Federal Transit Administration, Capital Investment grants” for projects specified in this Act or identified in reports accompanying this Act Sections 320, 321, and 322 of this Act, and for the 21st Century; and Federal Aviation Administration grants. The Federal Aviation Administration shall not obligate any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of $50,000,000 in any 1 year of the Federal Transit Administration, Capital Investment grants. The Federal Aviation Administration shall not obligate any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. Funds provided in this Act for the Transportation Administration Service Center (TASC) shall be reduced by $53,800,000, which limits fiscal year 2001 TASC obligation authority for elements of the Department of Transportation funded in this Act to no more than $11,840,000,000. Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriation account in proportion to the amount included in each account for the TASC. In addition to the funds limited in this Act, $54,963,000 shall be available for section 106(a)(1) of Public Law 102–240.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from the States, the private sector, and from any other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Highway Aid Highways” account, the Federal Transit Administration’s “Transit Planning and Research” account, and to the Federal Railroad Administration’s “Safety and Operations” account for any purpose necessary for preparing in participating transport to pursuant 49 U.S.C. 20165.

SEC. 321. Funds made available for Alaska or the Federal Highway Administration in compliance with the Buy American Act (41 U.S.C. 10a–10c) may be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, including both the vessel and the facility, to accommodate such vessels and facilities, and for repair facilities.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highway account for purposes reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature so as to influence in Congress proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating with Members of Congress or of a State legislature, the President, the Chief Executive Officer of any of the Department’s agencies, or any official of the Department about the need for Federal funds for the efficient conduct of business.

SEC. 324. (a) In General.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of the Congress: Requirement Relative to Provisions.—(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with funds made available by this Act, the Secretary of Transportation shall be available for the purchase of American-made equipment and products to the greatest extent practicable.

(2) Notice to Recipients of Assistance.—Provided, That in providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Illegally Obtained, or False Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall not be eligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility provisions of 49 U.S.C. 6109 of title 49, Code of Federal Regulations.

SEC. 325. Not to exceed $1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.
Secretary shall report to the House and Senate Guard, the Federal Aviation Administration, a suite of aircraft capable of meeting the Department’s requirements for operational flexibility and aircraft availability, starting in calendar year 2001.

HICLE WEIGHT LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall conduct a study of, and recommendations concerning, means to be used (1) to consider or adopt a rule, or amendment to a rule, to implement subsection (a)(2) of section 12 of the Surface Transportation Efficiency Act of 1991 (42 U.S.C. 12181). The report shall include an analysis relating to the axle weight limitations applicable to vehicles on the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

(ii) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the poultry weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

(2) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

(1) IN GENERAL.—The report shall include a statement concerning how the requirements of section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles, and

(ii) short-term and long-term recommendations concerning the applicability of those requirements.
of the President’s Budget submission to the Con-
gress of the United States for programs under the
jurisdiction of the Appropriations Sub-
committees on Department of Transportation and
Related Agencies that assumes revenues or
reflects a reduction from the previous year due
to user fees proposals that have been en-
acted into law prior to the submission of the
Budget unless such Budget submission identifies
which additional spending reductions should
occur in the event the user fees proposals are
not enacted prior to the date of the convening of
a committee of conference for the fiscal year 2001
and thereafter, amounts appropriated for
salaries and expenses for the Department of
Transportation may be used to reimburse an em-
ployee whose position is that of safety inspector
for not to exceed one-half the costs incurred by
such employee for professional liability insur-
ance, and the prohibition in this section does not
apply to negotiations between the Agency and
airport sponsors to achieve agreement on
“below-market” rates for these items or to grant
assurances that require airport sponsors to pro-
vide land without cost to the FAA for ATC fa-
cilities.

SEC. 341. None of the funds provided in this Act shall be used to pursue or adopt guidelines or regu-
lations requiring airport sponsors to provide to the
Federal Aviation Administration without cost
construction, maintenance, and expenses, or space in airport sponsor-owned buildings for services relating to air traffic con-
r ol, air navigation or weather reporting. The
prohibitions in this section do not apply to nego-
tiations between the Agency and airport sponsors to achieve agreement on
“below-market” rates for these items or to grant
assurances that require airport sponsors to pro-
vide land without cost to the FAA for ATC fa-
cilities.

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Sur-
plus Property Act of 1944 (58 Stat. 765, chapter 795), the Administrator of the Federal Aviation Admin-
istration (or the appropriate Federal offi-
cer) may waive, without charge, any of the
requirements of section 47153 of title 49, United
States Code, if a State is not eligible for assist-
ance under section 163(a) of title 23, United
States Code, and beginning in fiscal year
2005, as a waiver made under the preced-
ing subsection the Secretary shall withhold 10 percent of the amount required to be apportioned for Federal-aid high-
ways to any State under each of paragraphs (1),
(3), and (4) of section 104(b) of title 23, United
States Code, if within three years from the date
that the apportionment for any State reduced in accordance with this subsection the Secretary determines that such State is eligible for assist-
ance under section 163(a) of title 23, United
States Code. If within three years from the date
that the Secretary determines that such State is eligible for assistance under section 163(a) of title 23, United States Code, the apportionment of such
amounts so withheld shall lapse.

(b) USE OF LANDS.—An institution of higher
education that is subject to a waiver under sub-
section (a) shall not be subject to any term, condition, reservation, or restriction that has been imposed
as a result of the conveyance of that land by
the United States to the institution of higher
education.

(c) USE OF LANDS SUBJECT TO WAIVER.—
(1) IN GENERAL.—Notwithstanding any other
provision of law, the lands subject to a waiver
under subsection (a) shall not be subject to any
term, condition, reservation, or restriction that
has been imposed as a result of the conveyance
of that land by the United States to an institu-
tion of higher education.

(2) A SPECIAL INVESTIGATION REPORT published in May 2000 found that there was a
consuming need for parking for truck drivers due
to the lack of parking facilities.

(3) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

(4) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have dif-
culty finding parking spaces in rest areas at
least once a week; and

(5) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

(6) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
ty finding parking spaces in rest areas at
least once a week; and

(7) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

(8) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
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least once a week; and

(9) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

(10) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
ty finding parking spaces in rest areas at
least once a week; and

(11) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

(12) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
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rest areas, a number expected to reach 39,000 by 2005.

(14) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
ty finding parking spaces in rest areas at
least once a week; and

(15) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.

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erator Independent Drivers Association found
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least once a week; and

(19) A 1996 study by the Federal Highway Ad-
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least once a week; and

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rest areas, a number expected to reach 39,000 by 2005.

(22) A 1999 survey conducted by the Owner-Op-
erator Independent Drivers Association found
that over 90 percent of its members have difficul-
ty finding parking spaces in rest areas at
least once a week; and

(23) A 1996 study by the Federal Highway Ad-
imistration found that there is a nationwide shortfall of 28,400 truck parking spaces in public
rest areas, a number expected to reach 39,000 by 2005.
Transportation plan. $400,000 shall be allocated for a joint United States-Canada commission to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to accommodate double stack freight cars, the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee, and to remain available until expended; $2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system of the United States with North American rail system; $400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and $250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

SEC. 349. Within the funds made available in this Act, $10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between Danville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee, and to remain available until expended; $2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system of the United States with North American rail system; $400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and $250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

SEC. 353. ADDITIONAL SANCTION FOR REVENUE DIVERSION
Except as necessary to ensure public safety, no amount appropriated under this Act or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration shall—

(1) concludes the investigations initiated in Docket 13-95-05; and

(2) determines that no action is warranted.

SEC. 354. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the northbound New Jersey Transit Corridor line in the State of New Jersey shall be known and designated as the "Frank R. Lautenberg Transfer Station".

The Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the "Frank R. Lautenberg Transfer Station".

TITLE IV
DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2001".

MEASURE PLACED ON CALENDAR—H.R. 8
Mr. HATCH. Mr. President, I ask unanimous consent that H.R. 8 be placed on the Senate calendar.

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

MEASURE PLACED ON CALENDAR—S. 2753
Mr. HATCH. Mr. President, I ask unanimous consent that S. 2753, introduced earlier today by Senator Daschle and others, be placed on the calendar.

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

MEASURE READ THE FIRST TIME—S. 2753
Mr. HATCH. Mr. President, I understand that S. 2753, introduced by Senator Thompson today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.
The assistant legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. HATCH. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, JUNE 20, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:10 a.m. on Tuesday, June 20. I further ask that on Tuesday, immediately following the prayer, the Journal of the 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 that Senator GRASSLEY be recognized in morning business for up to 10 minutes, to be followed by Senator BIDEN for 10 minutes, and the Senate then resume consideration of the Department of Defense authorization bill.

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

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will convene at 9:10 a.m. tomorrow and will shortly thereafter resume debate on the DOD authorization bill with the Dodd amendment in order regarding a Cuban commission. Also in the morning period, Senator MURRAY will offer her amendment relative to abortion. However, under a previous order, these votes and votes relative to hate crimes will occur in a back-to-back sequence at 3:15 p.m.

ADJOURNMENT UNTIL 9:10 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, June 20, 2000, at 9:10 a.m.
The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. Biggert).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, June 19, 2000.
I hereby appoint the Honorable Judy Biggert to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Coble) for 5 minutes.

LOS ALAMOS SECURITY PROBLEM

Mr. Coble. Madam Speaker, the Los Alamos security problem is not a trivial matter. An official familiar with the investigation was quoted last weekend as having said hopefully the drives never left the secured area; if we believe this version, we will then be convinced that Santa Claus is a viable being and, finally, to complete the hat trick, the Tooth Fairy will trot across the stage.

If, after this, we remain skeptical, we would be well advised, Madam Speaker, to apply the admonishing lyrics of an old Lester Flatt and Earl Scruggs bluegrass tune entitled, “I am going to sleep with one eye open from now on.” Obviously, those charged with guarding the hen house at Los Alamos kept no eyes open, and the fox was free to roam at will. Corrective action must be forthcoming to resolve this inexcusable breach of security.

The potential detriment imposed upon our country may be irreparable. I sit as a Member of no House committee with direct jurisdiction over the Department of Energy; however, I have been more than a casual observer of the shoddy security measures at our Nation’s nuclear lab.

I have previously crossed swords with the Department of Energy. Some recent years ago that Department was directed by a Secretary who enjoyed taking frequent trips, international and domestic, subsidized, of course, by taxpayers.

She insisted as well that she be surrounded by attendants who made up her road show entourage who traveled as well at taxpayers expense. I took her to task for this excessive travel, and several DOE employees and officials expressed thanks for my concern because their Department was being embarrassed.

Embarrassment is being felt yet again, but I distinguish the abusive travel practices with the present Los Alamos problem. The former involved a Secretary whose attitude was one of indifferent disregard to prudent management practices. The Los Alamos exposure involves national security.

Madam Speaker, even though there is no Cold War, many Americans, some who sit in this very Chamber, believe that since there is no Cold War, there is therefore no threat. There are, indeed, threats, Madam Speaker; and the Los Alamos problem could very well be nurturing a significant one. Let us clean up this mess before it is too late.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. Accordingly (at 12 o’clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. Biggert) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In recent days, we have honored fatherhood in this Nation, O God. In celebrating Fathers’ Day, we have asked You to bless all fathers.

And be true guides of moral living and be true guides of moral living and witness noble patriotism to another generation.

With faith in You as the source of life and all true authority in Heaven and on Earth, we dare to call You: “Abba,” “Father.” Shower upon us all Your loving care and understanding forgiveness.

In a special way we pray for all the Members of this House who are fathers. Bind their families in love. Protect them wherever they may be, Grant that peace and prosperity in this Nation may provide security to all who seek to be fathers in the future. Born of fathers, we give You thanks and praise for the life we have received by these men. All of us are Your children now and forever. Amen.

WASTE, FRAUD AND ABUSE AT DEPARTMENT OF EDUCATION

Mr. Pitts. Madam Speaker, in poll after poll, the American people have made it clear that the number one issue on their minds is education. Americans want to make sure their children are well prepared for tomorrow. Americans want to know that their education tax dollars are being spent on their children, not on bureaucracies or needless studies.

Why is it, then, that this administration’s Education Department got a D-minus from Ernst and Young, a private auditing firm? If a private company had gotten that rating, the Securities and Exchange Commission would suspend their stock from trading.

Why is it that the Department of Education’s own employees are bilking the Department and sticking the taxpayers with the tab?
Madam Speaker, we need to reform the Federal education bureaucracy. We need to make sure our tax dollars are being spent in classrooms, not in Washington. We need to prepare our children to be tomorrow's leaders.

We need to pass the Republican Dollars to the Classroom Act.

READ FINE PRINT ON GOP MEDI-CARE PRESCRIPTION DRUG PLAN

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

Mr. BROWN of Ohio. Madam Speaker, in a "Dear Colleague" he circulated today, the gentleman from California (Mr. THOMAS) shared some exciting news about the GOP Medicare prescription drug plan. If only it were true.

He asserts that the Republican plan, which relies on private insurers to offer individual prescription drug coverage, would cut prices twice as much as the Democrat's Medicare-based plan. That is a strong selling point. It is also complete rubbish.

The Congressional Budget Office says the GOP drug plan may cut costs by 25 percent, not through lower prices, but by restricting access to medically necessary drugs.

It is an important distinction. I will say it again. The Republican plan saves money, not by miraculously convincing the drug makers to lower their prices, but by limiting access to medically necessary prescription drugs.

It cuts costs by decreasing the value of the drug benefit. The insurers win, the government wins, senior citizens lose.

The Republican plan gives insurance companies carte blanche to do what they are doing today; that is, put price tags on treatment decisions and then deny coverage for medically necessary treatments. Sound familiar?

The President's plan is explicit in requiring coverage for any medically necessary drug prescribed by a doctor, which makes sense since it is the doctor, not the insurer, who is actually treating the patient.

I ask my colleagues to read the fine print of the Thomas proposal.

SECURITY FAILURE AT LOS ALAMOS

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

Mr. GIBBONS. Madam Speaker, once again, our national security has been endangered by the incompetence of the Department of Energy. It seems that the DOE cannot keep track of our Nation's most sensitive and top-secret information.

After nuclear weapons information was stolen last year from the Los Alamos lab, the American people were promised, they were promised that the lab security would be enhanced and such a security breach would never again occur.

Well that was 1999, Madam Speaker. So much for the Clinton-Gore administration promises.

It seems that the enhanced security did not take into consideration the human element. The human element is not one's pet dog.

Perhaps the DOE thought that the potential threat aliens from Mars posed to our national security needed to be addressed before ensuring that our top-secret information was secure from real-life human beings.

It is time that this administration wake up and make our national security a top priority.

I yield back the administration's so-called security policies which fail to protect our Nation's secrets.

TIME TO PASS SIMPLE 15 PERCENT FLAT TAX: ABOLISH IRS

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

Mr. TRAFICANT. Madam Speaker, the Lord's prayer is 66 words; the 10 Commandments, 179 words; the Gettysburg Address, 286 words; the Declaration of Independence, 1,322 words; the United States Tax Code, 2 million 8 hundred thousand plus words. It is out of control.

In America, if a dog urinates in a parking lot, the EPA deems it a wetland. What is even worse, the IRS slaps a hazardous waste tax. Beam me up here.

It is time to pass the simple flat 15 percent national sales tax and abolish the IRS.

I yield back all elements of the "Internal Rectal Service".

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

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

Mr. SKELTON. Madam Speaker, each year, the legislative process consistently yields a particularly important authorization bill, and each and every year that authorization bill is signed into law by the President. I am speaking of the annual Defense authorization bill.

A month ago on May 18, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, aptly named for our distinguished chairman in his last year at the helm of the committee, passed the House by a strong bipartisan margin of 353 to 63.

The $310 billion that this bill would authorize in the coming fiscal year represents the blueprint for defense policy and spending priorities as it does every year. Not only does it set the troop strength levels and extend expiring authorities, it goes to the heart of what our troops need to do the job. This bill will directly improve their quality of life, their readiness to fight, and the pace of the modernization of their equipment.

I am especially pleased that this bill contains several important new initiatives, including a comprehensive package of military health care reforms that would significantly improve access to quality health care for all military beneficiaries, particularly for over-65 military retirees.

But, Mr. Speaker, I am sorry to note that progress on the Defense Authorization bill, after passage in the House, has come to a standstill. As I look about the legislative landscape, I see no other issue that I believe should take precedence over the authorization of the funds that our troops need.

I hope that this situation can be dealt with quickly, and that we can get about the business of going to conference on a Senate bill and a House bill in the very near future.

The Congress needs this bill. The troops need this bill. The country needs this bill.

APOLOGY FOR SLAVERY

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

Mr. HALL of Ohio. Madam Speaker, today, on a date African Americans celebrate as their second Independence Day, I am introducing a resolution. This bill would put Congress on record as apologizing for all of our country and this institution and what they did to promote and sustain slavery and its terrible legacy.

This building we work in and revere as one of the world's monuments to freedom and democracy, it is a place where much good has been done, but it is also one of the sites of one of the history's great wrongs, and that is slavery.

Mr. Speaker, this building we revere was partly built by slaves, people who suffered terrible wrongs, people I believe our Nation owes an apology.

I was surprised to learn that, despite the Civil War and despite the landmark civil rights legislation, despite all that has happened in the 135 years since the last slaves learned they were free, our Nation has never apologized for the savage institution of slavery.

I urge all of our colleagues to look in their hearts and support this bill.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
CONGRESSIONAL RECORD—HOUSE

June 19, 2000

Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER: Pursuant to the permission granted to Clause 2(b) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2000 at 9:12 a.m.

That the Senate passed without amendment H.J. Res. 101.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore before the House the following communication from the Clerk of the House of Representatives:

Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(b) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2000 at 1:45 p.m.

That the Senate agreed to Conference Report S. 761.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, Clerk of the House.

APOLOGY FOR UNWARRANTED CONCERNING MERGER OF UNITED AND US AIRWAYS

(Mr. OBERSTAR asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, last Thursday, the Committee on Transportation and Infrastructure held a hearing on the proposed merger of United Airlines and US Airways. In the course of that hearing, I used an inappropriate and unwarranted term to describe the status of the spin-off carrier DC Air, that would be created if the merger were to be approved.

Mr. Robert Johnson, CEO of Black Entertainment Television and proposed owner of DC Air, took justifiable exception of that characterization of the proposed new carrier. In a letter to me late Friday, Mr. Johnson said he is personally hurt and offended and called upon me to change my attitude. I take the well today to apologize to Mr. Johnson and to the Committee on Transportation and Infrastructure for my careless, inappropriate, and offensive remark.

Madam Speaker, in my years of Congress, I have staunchly maintained an attitude of support for civil rights in the United States and human rights around the world. I will not dwell all that history today except to say that in the most recent civil rights issue before my committee, TEA 21, I championed the inclusion of language to give a fair share of Federal transportation access to disadvantaged businesses. Before coming to Washington, I spent 3½ years working in Haiti. During my time of Congress, I worked to bring economic and political stability to that first black republic in the world. I cannot let that record of 40 years be tarnished by one ill-chosen, inappropriate, offensive word.

In the spirit of Psalm 51, verse 19, "My sacrifice, O God, is a contrite heart. A heart contrite and humbled, O God, you will not spurn."

Madam Speaker, it is further my responsibility and that of my colleagues in Congress to stay focused on the main issue here, the effects of this proposed merger of United Airlines and US Airways on air service in Washington and throughout the country. I have reviewed DC Air’s business plan and am concerned it would be tied too closely to the newly merged United and not be an effective competitor. The concern is not based on Mr. Johnson’s ownership of the airline, for I have great respect and appreciation for Mr. Johnson’s abilities as a businessman and his success as an entrepreneur, but on the new carrier’s dependence on its much larger partner. If the Justice Department sees fit to approve this deal, I would hope that it would require the merging airlines to divest additional assets to DC Air to make the start-up carrier a stronger, more viable competitor.

I am opposed to the United-US Airways merger on its merits. I believe it will diminish competition, spur additional consolidation in the airline industry, and offer poorer service to the flying public. It is a bad deal for aviation and for the consumer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

ABRAHAM LINCOLN INTERPRETIVE CENTER

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the
The SPEAKER pro tempore, pursuant to the rule, the gentleman from Indiana (Mr. Soudier) and the gentleman from the Virgin Islands (Mrs. Christensen) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Soudier).

Mr. Soudier. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 3084.

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

There was no objection.

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

Madam Speaker, I rise in support of H. R. 3084, as amended, introduced by the gentleman from Illinois (Mr. Shimkus), this bill authorizes the Secretary of Interior to contribute up to $50 million in matching funds for the construction of an Abraham Lincoln Interpretive Center. H. R. 3084 assures that every dollar of Federal contribution must be matched by at least $2 from the non-Federal side.

The center would consist of a museum and an interpretive center which would house the world's largest collection of Lincoln material. H. R. 3084 allows 18 months from the time of enactment for the entity selected by the Secretary of Interior to submit the design, method of acquisition, and estimated cost of the center.

The selected entity is also responsible for describing the manner and role that non-Federal entities will participate for this center.

Madam Speaker, I urge all my colleagues to support H. R. 3084, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. Christensen. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. R. 3084 authorizes the Secretary of Interior to make available $50 million in grants as a contribution of funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

The center is to be operated by a non-Federal entity, which would have to submit to the Secretary a plan and design for the interpretive center within 18 months of enactment. The legislation specifies that Federal funds would have to be matched on the basis of at least double the amount of any grant made by the Secretary. The bill also specifies that no grant funds may be used for maintenance or operation of the interpretive center, and that the Secretary would have no involvement in the operation of the center except at the request of the non-Federal entity.

An important role President Lincoln has had in American history. That role has been honored in five national park system units alone. H. R. 3084 would expand on that recognition by making funds available for a new interpretive center to be built by State and local entities in Springfield, Illinois.

There appears to be significant interest in such an interpretive center, and we have no objection to the legislation.

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

Mr. Shimkus. Madam Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. Shimkus), who has been a tireless leader in this effort; along with the gentleman from Illinois (Mr. LaHood); our speaker in the chair today, the gentlewoman from Illinois (Mrs. Biggert); and the Speaker of the House, the gentleman from Illinois (Mr. Hastert). And many of us from the surrounding States, to attend annual Lincoln Day dinners are my colleague who shares the City of Springfield, this legislation has the full support of both our Senators, the solid support of both our Senators, Senator Dick Durbin and Senator Peter Fitzgerald.

Back home in Springfield, this legislation has the full support of both the City of Springfield, in which this project will be located, and that of the governor of the State of Illinois, George Ryan.

In fact, the State of Illinois has already appropriated $10 million and in the very near future will appropriate an additional $40 million for the project. In addition, the City of Springfield has committed $10 million for this project through local tax incentives.

With an eye towards fiscal integrity, we have placed a matching requirement in this legislation, which ensures that the Federal Government is only responsible for funding one-third of the facility. We view this project as a one-time expenditure to the Federal Government, not a long-term funding initiative that needs continual funding year after year. Mr. Shimkus, the bill authorizes $50 million for the project and makes these funds available for expenditure through 2006.

Abraham Lincoln's name is familiar to people all over the world. More than 100 nations have honored him through the issuance of stamps, bringing his name to millions of people and keeping his memory and message alive.

It is very common for many of us, especially in the State of Illinois and the surrounding States, to attend annual Lincoln Day dinners which are annual Lincoln Day dinners or lunches. In fact, I counted 15 that I had celebrating the birth of Abraham Lincoln from January through April. And many times, when we get a chance to reminisce on President Abraham Lincoln, we almost raise him up to a deity status, and we do that in an attempt not to forget history. It is very important to remember history.

I did that in my last year's worth of speeches, talking about Abraham Lincoln and how he secured America's future by preserving the union and by freeing the slaves. But I want to focus on a column written by Clarence Page from the Chicago Tribune, and I will be quoting this for the future.

In his column Mr. Page mentions that there are still naysayers. Lerone Bennett, Jr., is one, in his book "Forced Into Glory: Abraham Lincoln's White Dream." At the end of his column, however, Clarence Page writes, "Like Thomas Jefferson and other heroic figures in American history, Lincoln set a higher standard for human brotherhood and sisterhood than even he was able to meet. Still, we can admire Lincoln, as I still do, inasmuch as he set that high standard during his better moments and acted on it. Lincoln is important, not only to Americans, but around the world, as a symbol of how an ordinary man from very humble beginnings can rise to high office and lead his country through its worst crisis and all-out war against itself. If he was 'forced into glory' against his will or not, he has worn the White Dream."
June 19, 2000

CONGRESSIONAL RECORD—HOUSE

Mr. SOUDER. Madam Speaker, I yield myself such time as I may
commence.

I said earlier that I was very excited to see this bill move forward, but there were a number of questions that I had as we first brought this up in the Sub-committee on National Parks and Pub-
lic Lands and the Committee on Re-
sources, which I believe have been very adequately addressed.

Any American who follows Abraham Lincoln realizes that he is a legend not only to Illinois but to many other States, and he has historic sites around the country. I do not think there is a young boy in America or a young girl in America who has not heard the story of Abraham Lincoln reading the firelight and being told by our parents that we should be very appreciative of our life-styles, and how hard he worked, and worked all day, and then read by the light of his fire. Presumably we have very few black glasses, if they had been there at the time, because he was so committed to that. It inspired many young people, including myself. I have been a Lincoln fan most of my life, have 15 to 20 books of Lincoln that I have read, and I think Americans have taken that inspiration.

When we walk through our capitol building or around the Nation’s cap-
itol, we see many Lincoln sites. The Gettysburg address is arguably, along with the Declaration of Independence, is the most known and most moving document. This book by Gary Wills is a tremendous book, talking about, for example, the fact that it is amazing that an address important, refer-
ing to the Gettysburg address, and one that most of us know and is so concise, at the same time that ad-
dress does not mention Gettysburg, it does not mention slavery, it does not mention the union, and it does not mention the South. Yet he managed to communicate his points in a moving way that still moves Americans today.

He was a tremendous writer, in addi-
tion to being a person who could unify and keep our country together. This capitol building would be rent apart if we had not had a mild mannered man from the Midwest who listened to the people, and spent much of his life lis-
tening, to try somehow keep a very divided North together, let alone man-
age his way through the Civil War.

I say all that because this site could have been in Kentucky, a national presidential library. That is where he was born. It could have been in Indi-
a, We have a national Lincoln boy-
hood site in southern Indiana. We in Indiana like to say that Indiana made Lincoln and Lincoln made Indiana. It also could be at Gettysburg, where he delivered this address and where we

And not only in remembering Abra-
ham Lincoln, but we need the Library to bring our documents together so that that and, more impor-
tantly, the children, who are trying to get a grasp of this history, the Abra-
ham Lincolns of the future, the Thom-
as Jeffersons of the future, the Douglas MacArthurs of the future, that they can see America becomes great. America becomes great because the av-
erage men and women of this Nation, the average Joes on the battlefield who win the wars, those who wax philo-
sophically and win the debates on the floor, who pass monumental legisla-
tion, that all these people come from the homes of the average citizens of this country. We need to continue to inspire our children so that they too can rise up and be the great leaders of this Nation.

Madam Speaker, I applaud the chair-
man of the committee, the gentleman from Alaska (Mr. YOUNG), for allowing this legislation to move forward. I think it is in the best interest of our Nation and our children.

Madam Speaker, I submit the article referred to above hereafter:

[From the Chicago Tribune, May 31, 2000]

WASHINGTON—Abraham Lincoln was the humble born, self-educated "Honest Abe," the Great Emancipator who freed the slaves in America.

Abraham Lincoln was a white supremacist, who said whatever the crowd wanted to hear, freed hardly any slaves, used the "N-word" frequently and, if he had his druthers, would have sent all blacks back to Africa.

Pick the history you prefer. Lerone Bennett Jr., prefers the second interpretation of Lincoln and elaborates on it in a 652-page ass-
sault, entitled: The Emancipation Proclamation: Abraham Lincoln’s White Dream."

With the Confederate battle flag re-emerg-
ning these days as a lightning rod of con-
troversy (Is it racist or a symbol of rac-
ism or a benign tribute to southern her-
tage?), Bennett, author, editor and acclaimed historian at Ebony magazine, could hardly have picked a better time to question an-
other enduring symbol of the Civil War, Lin-
coln.

Bennett is not quite successful in his effort to convince us that Lincoln was an unrepent-
ant white supremacist or that the Emanci-
pation Proclamation was a "ploy" designed to perpetuate slavery rather than extinguish it.

But Bennett effectively instructs a broader audience in what Lincoln scholars have known all along, that Lincoln did not really free the slaves as commonly believed. He also was a more complicated man than the catchy slogans like Honest Abe and the Great Emancipator adequately describe.

The Emancipation Proclamation, Bennett points out, did not free any slaves because it applied only to areas outside Union control. As an Illinois legislator and congressman be-
fore the Civil War, Lincoln actually opposed abolitionists. He supported the Fugi-

slave Act and supported Illinois’ laws barring blacks from voting, serving on juries, holding office and intermarrying with whites.

Lincoln refused to free and arm slaves. He delivered anti-slavery speeches in northeast Illinois and pro-slavery speeches in southern Illinois. Those who knew him well said he enjoyed minstrel shows, used the N-word in private conversations and sometimes in public speeches.

Bennett’s been here before. His 1968 Ebony article “Was Abe Lincoln a white supreme-
cist?” sent ripples across the academic and cultural world of that politically volatile era. Much of this has been written about by other scholars. Bennett is not an academic historian. Yet his article, like his classic work “Before the Mayflower,” brought scholarly research to a broad audience and changed the national conversation about the early history African-Americans, even among scholars.

As a descendant of African-American slaves, I appreciate Bennett’s critique, for the insights it offers—not just on Lincoln but on those of us who admire and respect the impact he had on my family and millions of others of all races.

Since I don’t know what was in Lincoln’s heart, I have to judge him by his actions. Whether he intended to free the slaves or not, his actions served to have that effect over time.

He may not have been the Great Emanci-
pator but he helped to emancipate.

Yes, as Bennett describes, Lincoln did allow the four slave states that remained in the Union to dictate his policy toward slav-
ery. But, can anyone familiar with geog-
raphy blame Lincoln for wanting to avoid se-
cession by Maryland and Delaware? It would have left the District of Columbia sur-
rounded by hostile states, which would not have been a happy situation.

The Emancipation Proclamation did not free many slaves, but it gave the Civil War a moral purpose that fended off potential for-
eign allies to the South and set a new course for American history.

Lincoln may have supported “coloniza-
tion” of black slaves to Africa, but he was hardly alone, either among white leaders of the time. Yet, the proclamation repudiated colonization, in so many words and enabled the first large-scale enlistment of black soldiers.

Once he issued the proclamation, Lincoln no longer could waffle on the slavery issue. His role as “emancipator” was assured and he did not have to modify it.

Lincoln held off radical Republicans who wanted him to further, but he also fended off reactionaries who wanted him to move back-
ward, to modify his proclamation or abandon it altogether.

If Bennett overdoes his assault on Lincoln, it hardly matches the overseas ways in which ol’ Abe has been almost canonized over the years.

Like Thomas Jefferson and other heroic figures of American history, Lincoln set a high standard for human brotherhood and sisterhood than even he was able to meet.

Still, we can admire Lincoln, as I still do, inasmuch as he set that high standard during the Civil War and did not let the high standards down afterward.

Lincoln is important, not only to Ameri-
cans but around the world, as a symbol of how ordinary people who dream big and hard beginnings can rise to high office and lead his country through its worst crisis, an all-out war against itself.

If he was not a "Boyhood friend" against his will or not, he has worn the glory remark-
able well.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.
have just taken sites into Federal possession, in the Willis House, the cemetery where he gave the address. We have Ford Theater as a national site.

But the fact is the first question is why Springfield. There are many more Lincoln sites in Springfield than anywhere else in the country, and I want to make sure the RECORD notes these. They are the Lincoln Home National Historic Site, where he and Mary Todd Lincoln lived. The Lincoln-Herndon Law Offices. They have the Lincoln tomb, The Lincoln Depot, where he left Springfield for Washington, D.C., which is still preserved. They have the Lincoln log cabin, where his father and stepmother lived. They have the Lincoln ledger, his financial records. The old State capitol where he served as a State legislator and delivered his famous house divided speech. They also have outside of Springfield and New Salem a recreation of a village of his time period.

There is no question that Springfield has more historic sites related to Lincoln than anywhere else in the country. They also, through the Henry Horner Collection that was given to the Illinois State Historical Society, have 1,500 documents that were either handwritten by Lincoln or were signed by Lincoln. In addition to all sorts of broadsides, prints and photographs, including the earliest known photo of Lincoln, taken in 1846, and the only known photo lying in state.

So, clearly, they have more documents, more photos, more actual buildings related to Lincoln than anywhere else in the country. They have Edward Everett’s copy of his manuscript, handwritten out for him. They have the handwritten speech of the second inaugural address with the famous “with malice toward none, with charity for all.”

I think there is a compelling case that, a, we need a national Lincoln museum and library, and that Springfield should be the center. One amendment that we had in committee, and I think is important as we work with the National Park Service on things like the Emancipation Proclamation, which sets the stage for our nation’s history and the only copy of Lincoln's Second Inaugural Address, which, while advocating malice toward none and charity for all, becomes a “tragedy” that Abraham Lincoln does not have a Presidential Library.

The State of Illinois has the world’s largest Lincoln collection—some 46,000 items so rare and valuable that the collection exceeds the combined Lincoln holdings of the National Park Service, the National Archives, and the Smithsonian Institution. Some of our nation’s most significant artifacts are a part of that collection: five copies of The Gettysburg Address, which sets the stage for our nation’s history after Civil War; the only signed copy of The Emancipation Proclamation which shows Lincoln’s strong feelings against human bondage; and the only copy of Lincoln’s Second Inaugural Address, which, while advocating malice toward none and charity for all, predicted benevolent policies for post war recovery. The Illinois collection also includes such diverse artifacts as Tad Lincoln’s toy cannon, Mary Lincoln’s wedding skirt, and the napelmate from the front door of Lincoln’s Springfield house—treasures that belong to all Americans.

But, few of you have ever seen these items, and there is a reason for that. The State of Illinois has no adequate facilities to appropriately display and interpret these items. They are kept locked in a vault beneath the old State Capitol in downtown Springfield, to be brought out only for important research or the occasional exhibition.

Abraham Lincoln’s example of sacrifice for his ideals should not be kept locked behind a vault door. Lincoln’s message of freedom and democracy should not be kept in obscurity in the basement of a building. The life of America’s greatest President should not be hidden away from all but a select few.

The proposed Abraham Lincoln Presidential Library will be a beacon of freedom for the entire world. Anyone enjoying the benefits of democracy, and those who yearn to enjoy those benefits, will want to come to this new facility. But the decision to fund the Abraham Lincoln Presidential Library will give the world a place to learn about, and be inspired by, that example.

Abraham Lincoln’s message is especially relevant today, as the world’s changing political situation has people searching for a champion of freedom and equality. We have that champion. He is an American who kept the United States united and demonstrated to the world that democratic ideals were not a mere abstraction, but a living reality. He is a human being who brought dignity to all human beings. He is a martyr who died for his beliefs. He makes us proud to be Americans. Now, it’s time to return the favor.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 3084, as amended.

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

A motion to reconsider was laid on the table.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 2000

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2778

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 “Taunton River Wild and Scenic River Study Act of 2000.”

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

I am excited about the efforts of the gentleman from Illinois (Mr. SHIMkus).
CONGRESSIONAL RECORD—HOUSE

June 19, 2000

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

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cat Island National Wildlife Refuge Establishment Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unveleed portion of the Mississippi River, Cat Island, Louisiana, is one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports one of the highest densities of bald cypress trees in the lower Mississippi Valley that is still unveleed.

H.R. 2778 will assess these resources and determine whether the river meets the requirements for inclusion into the Wild and Scenic Rivers Act. The study authorized by H.R. 2778 has strong public support from State and local officials, residents, and river users.

I urge my colleagues to support H.R. 2778, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2778, introduced by our colleague, the gentleman from Massachusetts (Mr. MOAKLEY), the sponsor of H.R. 2778, who is unavoidably unable to be here during the consideration of this bill; and I include his statement for the record.

H.R. 2778 would direct the National Park Service to study the Taunton River in Massachusetts for potential addition to the National Wild and Scenic Rivers System.

The Taunton River is located in southeastern Massachusetts, about 30 miles from Boston. The Taunton and its tributaries form the second largest watershed in the Commonwealth. Much of the river corridor is forested or in agricultural use.

H.R. 2778 is a noncontroversial bill. The administration has testified in support of the study. Further, it is our understanding that there is strong local support for this initiative.

During consideration of the bill by the Committee on Resources, an amendment was adopted that made a number of technical corrections to the bill and the underlying Wild and Scenic Rivers Act. These changes improve the legislation, and we support the bill as amended.

Madam Speaker, I also have a statement from the gentleman from Massachusetts (Mr. MOAKLEY), the sponsor of H.R. 2778, who is unavoidably unable to be here during the consideration of this bill; and I include his statement for the CONGRESSIONAL RECORD during consideration of this bill.

Mr. MOAKLEY. Madam Speaker, I would like to thank my colleagues, Representative GEORGE MILLER, Representative DON YOUNG, Representative CARLOS ROMERO-BARCELO, and Representative JAMES HANSEN for bringing this important bill to the floor.

H.R. 2778 would direct the National Park Service to study the Taunton River in Massachusetts to determine if it should be added to the Wild and Scenic Rivers System. The 70-mile river is threatened by an alarming rate of residential and commercial development. If the river meets the necessary federal requirements and is added to the system, then its flow could not be hindered or diverted and local regional planners would be able to receive federal assistance to help manage the river.

The Taunton River is of tremendous historical and ecological value to the Commonwealth of Massachusetts and also the nation. In the early 1600’s, the Taunton River was the first river the Pilgrims encountered as they moved inland, and they used the river as a meeting spot with the Native Americans. Chief Massasoit of the Wampanoag tribe befriended the Pilgrims, who were ill-prepared for New England’s harsh winters. Without the help of the Native Americans, the early settlers would have perished. As a result of the goodwill of the local Native Americans, the Pilgrims dedicated a day in celebration of the harvest and their good fortune. This day is celebrated throughout the country today and is better known as our national holiday of Thanksgiving.

From an ecological standpoint, the Taunton River is a tremendous resource because of its improved water quality and the various species of marine life that thrive there. There have been numerous sightings of the American Bald Eagle. The improved water quality of the river has resulted in the river becoming a tremendous recreational resource for thousands of Southeastern Massachusetts residents. The river is part of a river water trail called the Wampanoag Commemorative canoe passage. The course, which was the main travel route for the Wampanoag Native Americans, is now used by scouting groups, conservation leaders, and recreational enthusiasts.

The river is of tremendous historical and scenic value to the Commonwealth of Massachusetts. I strongly support H.R. 2778 and thank my colleagues for bringing the measure to the House floor.

Mr. SOUDER. Madam Speaker, I yield the balance of my time.

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members of the House of Representatives, residents, and river users in undertaking a coordinated cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesigning the second paragraph (8) as paragraph (10);

(2) by redesigning the second paragraph (11) as paragraph (12);

(3) by redesigning the third paragraph (11) as paragraph (13);

(4) by redesigning the fourth paragraph (11) as paragraph (14);

(5) by redesigning the first undesigned paragraph as paragraph (15);

(6) by redesigning the second undesigned paragraph as paragraph (16);

(7) in paragraph (16), as so redesignated by paragraph (6) of this subsection, by striking “paragraph (1)” and inserting “paragraph (136)”;

and

(8) by adding at the end the following:

“(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

“(A) shall complete the study of the Taunton River, Massachusetts; and

“(B) shall submit to Congress a report describing the results of the study.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each to control 20 minutes?

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2778.

The SPEAKER pro tempore. The motion is made to suspend the rules and pass the bill (H.R. 3292). Is there objection to the request of the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each to control 20 minutes?

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

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

Madam Speaker, I rise in support of H.R. 2778, as amended, and introduced by the gentleman from Massachusetts (Mr. MOAKLEY), the sponsor of H.R. 2778, which authorizes a study of the Taunton River for inclusion into the National Wild and Scenic Rivers System.

The Taunton River contains a variety of natural and cultural resources important to America’s heritage. H.R.
entire Mississippi River Valley, including the Nation’s champion cypress tree which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest birds, supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearers, such as mink and bobcat;

(5) conservation and enhancement of this area through inclusion in the National Wildlife Refuge System would help meet the habitat conservation goals of the North American Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States, and have extremely high recreational value for hunters, anglers, birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term “Refuge” means the Cat Island National Wildlife Refuge; and

(2) the term “Secretary” means the Secretary of the Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are—

(1) to conserve, restore, and manage habitat as necessary to contribute to the migratory bird population goals and habitat objectives as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area’s forested wetlands and to achieve the habitat objectives of the “Mississippi River Aquatic Resources Management Plan”;

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened species; and

(5) to provide opportunities for priority public wildlife dependent uses for compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation; and

(6) to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ACQUISITION BOUNDARY.—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 5,511 acres of land and water, as depicted upon a map entitled “Cat Island National Wildlife Refuge—Proposed”, dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may acquire such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) ACQUISITION.—The Secretary is authorized to acquire the lands and waters, or interests therein, within the acquisition boundary described in subsection (a) of this section.

(d) ESTABLISHMENT.—The Secretary shall establish the Refuge by publication of a notice that the Federal Register and publications of local circulation when ever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Louisiana (Mr. BAKER), for agreeing to add these marks and to include extraneous matter, I yield myself such time as I may consume.

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3292, as amended.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3292, a bill which would establish the Cat Island National Wildlife Refuge in the State of Louisiana.

The biological diversity and ecological significance of Cat Island is most impressive. It would appear by all measures that this habitat in the bayou of southern Louisiana would be a handsome addition to the National Wildlife Refuge System.

I believe that the bill was greatly improved by the Committee on Resources when the total authorization for land acquisition was increased from 9,400 acres to 36,500 acres. It makes sense since the land is presently available and because the entire tract is ecologically significant to ensure the protection of the core 9,400 acres. I want to thank the sponsor of the bill, the gentleman from Louisiana (Mr. BAKER), for agreeing to add these additional lands.

It is also my understanding that the administration fully supports H.R. 3292. The Fish and Wildlife Service has asked for $4.1 million in their fiscal year 2001 budget request to begin the acquisition process for this new refuge. Hopefully, with the passage of this legislation, the Fish and Wildlife Service can get started on this process very soon.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. BAKER), for agreeing to add these additional lands.

Mr. BAKER. Madam Speaker, I yield back the balance of my time.
SAXTON) that the House suspend the rules and pass the bill, H.R. 3292, as amended.

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

A motion to reconsider was laid on the table.

TAKING CERTAIN LAND INTO TRUST FOR MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1967) to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The Clerk read as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the "Graton Rancheria Restoration Act".

SEC. 2. ACQUISITIONS OF LANDS. All lands affected by this legislation are owned by the Mississippi Band of Choctaw Indians, with some parcels acquired in fee by the United States Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(a) apply for lands subject to the management or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 195 and 2701 et seq.) and unless held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians, and

(b) apply for lands subject to the management or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 195 and 2701 et seq.) and unless held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians, and

The Speaker pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

MR. SAXTON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to dispense with the reading of the bill and strike from the table.

There was no objection.

Mr. SAXTON. Madam Speaker, I ask unanimous consent that the Clerk be authorized to dispense with the reading of the bill and strike from the table. The Speaker pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WICKER. Madam Speaker, I yield myself such time as I may consume and thank my friend from New Jersey for allowing me to control the balance of my time.

Madam Speaker, this is a simple bill which was approved in the Senate last week by unanimous consent. The bill does three things. First, it moves all trust land taken for the benefit of the Mississippi Band of Choctaw Indians since December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation.

Second, the bill takes all land owned in fee by the Mississippi Band of Choctaw Indians and incorporates it into trust land. It also makes these two provisions without affecting the statutes of the Indian Gaming Regulatory Act.

All lands affected by this legislation are owned by the Mississippi Band of Choctaw Indians, with some parcels dating back many decades. During the past 20 years, Madam Speaker, the tribe has attempted time and time again to transfer the land through the regular process established by the United States Department of Interior and the Bureau of Indian Affairs. Unfortunately, the Department has failed to act on these applications in an efficient and prompt manner.

The applications filed by the Mississippi Choctaw Indians, are supported by the State of Mississippi and the county and municipal governments in the vicinity of the property. What is at stake here are critically needed services for the tribe. A new school, housing, and a medical clinic are among the projects which have been delayed because of inaction by the Department of the Interior and the Bureau of Indian Affairs. The existing school has had dozens of safety violations issued by the BIA, and the medical clinic will not pass its next inspection. Just as important, thousands of Mississippi Choctaw are living in unacceptable conditions due to the lack of available housing.

Madam Speaker, the tribe has followed the regular process and lived up to its obligations. But, for whatever reasons, perhaps a lack of resources, the Department has failed to meet the Government's duty. That is why we need to provide this legislative remedy and allow the tribe to move forward with building a new school, a medical clinic, and housing for its members.
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SEC. 2. FINDINGS.
The Congress finds the following:
(1) In their 1997 Report to Congress, the Ad- visory Council on California Indian Policy specifically recommended the immediate legislature on the restoration of the Graton Rancheria.
(2) The Federated Indians of Graton Rancheria Tribal Council has made the ex- pressions of interest in the State of California.
SEC. 3. DEFINITIONS.
For purposes of this Act:
(1) The term "Tribe" means the Indians of the Graton Rancheria of California.
(2) The term "Secretary" means the Sec- retary of the Interior.
(3) The term "Interim Tribal Council" means the governing body of the Tribe specified in section 7.
(4) The term "member" means an indi- vidual who meets the membership criteria under section 6(b).
(5) The term "State" means the State of California.
(6) The term "reservation" means those lands acquired and held in trust by the Sec- retary for the benefit of the Tribe.
(7) The term "service area" means the counties of Marin and Sonoma, in the State of California.

SEC. 4. RESTORATION OF FEDERAL RECOGNI- TION, RIGHTS, AND PRIVILEGES.
(a) FEDERAL RECOGNITION.—Federal rec- ognition is hereby restored to the Tribe. Ex- cept as otherwise provided in this Act, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any spec- ific provision of this Act shall be applicable to the Tribe and its members.
(b) PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Execu- tive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Pub- lic Law 85-671; 72 Stat. 619), are hereby re- stored.Certain provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.
(c) FEDERAL SERVICES AND BENEFITS.—(1) IN GENERAL.—Without regard to the ex- istence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act for all Federal services and benefits furnished to federally recognized Indian tribes or their members.
(2) CRITERIA FOR MEMBERSHIP.—(A) Any individual residing in the service area shall be deemed to be residing on a reservation.
(B) RELATION TO OTHER LAWS.—The eligi- bility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise determining the eligi- bility for or computation of any payment or other benefit to such tribe, individual, or household under—
(A) any financial aid program of the United States, including grants and contracts sub- ject to the Indian Self-Determination Act; or
(B) any other benefit to which such tribe, household, individual would otherwise be entitled under any Federal or federally assisted program.
(C) HUNTING, FISHING, TRAPPING, GATH- ERING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gath- ering, or water rights of the Tribe and its members.
(D) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, by contract, law, or obliga- tion, or any obligation for taxes levied.
SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.
(a) LANDS TO BE TAKEN IN TRUST.—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or trans- fer, there are no adverse legal claims to such property, including outstanding liens, mortg- ages, or taxes.
(b) CERTAIN RIGHTS NOT ALTERED.—Except as otherwise provided in this Act, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any spec- ific provision of this Act shall be applicable to the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Pub- lic Law 85-671; 72 Stat. 619), are hereby re- stored. Certain provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.
(c) LANDS TO BE HOMESTEAD.—Any real property taken into trust for the benefit of the Tribe pursuant to this Act shall be part of the Tribe's reservation.
(d) GAMING RESTRICTED.—Notwithstanding subsection (c), real property taken into trust for the benefit of the Tribe pursuant to this Act shall not be exempt under section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)).
(e) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.
SEC. 6. MEMBERSHIP ROLLS.
(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe. Any vacancy on the Interim Tribal Council shall consist of the members serving on the date of enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution.
(b) CRITERIA FOR MEMBERSHIP.—(1) Until a tribal constitution is adopted, any individual residing in the service area shall be eligible to be enrolled on the Graton membership roll if such indi- vidual is living, is not an enrolled member of another federally recognized Indian tribe, and if—
(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary of the Inter- rior on September 17, 1959., under Public Law 85-671; (B) such individual was not listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary of the Interim Tribal Council on September 17, 1959, or such distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members Indian heirs or suc- cessors in interest.
(b) CERTAIN RIGHTS NOT ALTERED.—Except as otherwise provided in this Act, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any spec- ific provision of this Act shall be applicable to the Tribe and its members.
(c) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.
SEC. 7. INTERIM GOVERNMENT.
(a) ELECTION; TIME; PROCEDURE.—After the compilation of the tribal membership roll under section 6(a), upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held con- sistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.
(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURE.—Not later than 120 days after the election of a final constitution under sub- section (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.
THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.
Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re- marks and include extraneous material on H.R. 946.
THE SPEAKER pro tempore. Is there objection to the request of the gentle- man from New Jersey?
There was no objection.
Mr. SAXTON. Madam Speaker, I yield myself such time as I may con- sume.
Madam Speaker, H.R. 946 would restore Federal recognition to the Indians of the Graton Rancheria in California. The Graton Rancheria is one of over 40 Indian tribes which were terminated in 1958 by Public Law 85-671. Today there are approximately 355 members of the Federated Indians of Graton Rancheria living in the general vicinity of Santa Rosa, California. H.R. 946 provides that the service area for the tribe shall be Marin and Sonoma Counties, that nothing in the legislation shall expand, reduce or affect any hunting, fishing, trapping, gathering or water rights of the tribe, that real property eligible for trust status shall include certain Indian-owned land, and that the Secretary of the Interior shall compile a membership roll of the tribe. This bill also provides for an interim tribal council, the election of tribal officials, and the ratification of a constitution for the tribe. Section 5(d) of H.R. 946 provides that real property taken into trust for the benefit of the tribe pursuant to the bill shall not have been taken into trust for gaming purposes pursuant to section 20(b) of the Indian Gaming Regulatory Act.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as she may consume to the gentleman from California (Ms. WOOLSEY), the sponsor of H.R. 946.

Ms. WOOLSEY. Madam Speaker, I am pleased to rise in support of my bill, H.R. 946, the Graton Rancheria Restoration Act. I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and their staffs for the work that they have put into bringing this bill to the floor today. I appreciate that the full Committee on Resources who only voted this day out of committee on May 16, and I thank them all for the earlier hearing where the Bureau of Indian Affairs testified in support of the bill. Today I am appreciative that H.R. 946 is on this floor.

The bill before us today seeks to correct a decades-old wrong by restoring Federal recognition for the Federated Indians of Graton Rancheria. This rancheria is composed primarily of the California Coast Miwok and Southern Pomo Indian tribes in my congressional district. My district is located north of San Francisco across the Golden Gate Bridge, and it consists of Marin and Sonoma Counties. Joe Soria chaired the advisory council on California Indians in the 1980s, stated that luck often determined whether a tribe got recognized. I am glad that today the House is taking luck out of the equation and voting on restoring trust status, because it is the right thing to do.

The tribes of the Graton Rancheria are a rich part of the San Francisco Bay area’s cultural heritage. The earliest historical account of the Coast Miwok people, whose traditional homelands include the California communities of Bodega, Tomales, Marshall, and Sebastopol, located along the west coast of my district, dates back to 1579. Today, there are almost 300 members of the Federated Indians of Graton Rancheria. In 1966, the United States Government terminated the tribe’s status along with numerous other tribes. This was under the California Rancheria Act of 1958. Almost 2 decades later, the advisory council on California Indian policy was established to study the report and to come up with special circumstances facing California tribes whose status had been terminated. The council’s final report, which was submitted to Congress in September 1997, specifically recommended the immediate restoration of the Federated Indians of Graton Rancheria.

Following the report’s recommendation, the tribes promptly decided on a course of action for their restoration. Since then, I have been working with them on the bill that is before us today. This consensus bill restores Federal rights and privileges to the tribes and its members and makes them eligible for benefits, such as Native American health, education, and housing services that are available to federally recognized tribes.

Madam Speaker, it has been a long journey for the Federated Indians of Graton Rancheria. On behalf of their hard work and the support they have received from the local community, I ask that the House restore the recognition they deserve.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to thank the gentleman from Alaska (Mr. YOUNG) for his efforts in support of this bill and just to say briefly that it is important that we move swiftly to restore the rights wrongfully taken from the Federated Indians of Graton Rancheria in 1958. I urge my colleagues to vote aye on this bill.

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

Mr. SAXTON. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 946.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING RESPONSIBLE FATHERHOOD

Mr. SOUDER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 522) expressing the sense of the House of Representatives regarding the importance of responsible fatherhood.

The Clerk reads as follows:

H. RES. 522

Whereas studies reveal that even in high-crime, inner-city neighborhoods, well over 90 percent of children from safe, stable, two-parent homes do not become delinquents;

Whereas in 1996, 1.2 million babies, or 33 percent of all newborns, were born out of wedlock;

Whereas children with fathers at home tend to do better in school, are less prone to depression, and have more successful relationships;

Whereas premature infants whose fathers spend ample time playing with them have better cognitive outcomes and children who have higher-than-average self-esteem and lower-than-average depression report having a close relationship with their father;

Whereas both boys and girls demonstrate a greater ability to take initiative and evidence self-control when they are reared with fathers who are actively involved in their upbringing;

Whereas although mothers often work tremendously hard to rear their children in a nurturing environment, a mother can benefit from the positive support of a father for her children;

Whereas it is recognized that to promote responsible fatherhood is in no way meant to denigrate the standing of single mothers, but rather to increase the chances that children will have two caring parents to help them grow up healthy and secure;

Whereas it is estimated that half of all children in the United States (one-fourth of all children in the United States) live in mother-headed homes which a father figure is absent; and

Whereas, according to a 1996 Gallup Poll, 79.1 percent of Americans believe the most significant family or social problem facing America is the physical absence of the father from the home and the resulting lack of involvement of fathers in the rearing and development of their children;

Whereas, according to the Bureau of the Census, in 1996, 16,993,000 children in the United States (one-fourth of all children in the United States) lived in families in which a father was absent;

Whereas, according to a 1996 Gallup Poll, 90.9 percent of Americans believe “it is important for children to live in a home with both their mother and their father”;

Whereas it is estimated that half of all United States children born today will spend at least half their childhood in a family in which a father figure is absent;

Whereas the United States is now the world’s leader in fatherless families, according to the United States Bureau of the Census;

Whereas estimates of the likelihood that marriages will end in divorce range from 40 percent to 50 percent, and approximately 3 out of every 5 divorcing couples have at least one child;

Whereas almost half of all 11- through 16-year-old children who live in mother-headed homes have not seen their father in the last 12 months;

Whereas the likelihood that a young male will engage in criminal activity doubles if he is raised without a father and triples if he lives in a neighborhood with a high concentration of single-parent families;
WHEREAS a study of juveniles in state reform institutions that 70 percent grew up in single or no parent situations;

WHEREAS children of single-parents are less likely to complete high school and more likely to have pregnancies and low achievement and low commitment stability as children reared in two-parent families;

WHEREAS a 1990 Los Angeles Times poll found that 57 percent of all fathers and 56 percent of all mothers feel guilty about not spending enough time with their children;

WHEREAS almost 20 percent of 6th through 12th graders report that they have not had a good conversation lasting for at least 10 minutes with at least one of their parents in more than a month;

WHEREAS, according to a Gallup poll, over 50 percent of all adults agreed that fathers today spend less time with their children than their fathers spent with them;

WHEREAS President Clinton has stated that "the single biggest social problem in our society may be the growing absence of fathers from the childhoods of their children;" and

WHEREAS the Congress has recognized that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

NOW, THEREFORE, BE IT

RESOLVED, That the House of Representatives—

(1) recognizes that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children;

(2) urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in the rearing and development of his children;

(3) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who wish to become more engaged in the lives of their children;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that he needs not only material support, but more importantly a secure, nurturing, family environment; and

(5) expresses its support for the National Fatherhood Initiative, and its work to inspire and equip fathers to be positively involved in the raising and development of their children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. Souder) and the gentleman from Oregon (Mr. Wu) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Souder).

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 522.

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

There was no objection.

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

Madam Speaker, first I want to thank the gentleman from Pennsylvania (Mr. Pitts) for his leadership on this issue. It is no secret that children who have fathers in the home tend to do better in school, have more success in relationships, and get into less trouble. I would like also to publicly thank Senator Jeff Bingaman, who is a good friend of mine, for his support.

Although mothers often work tremendously hard to rear their children in a nurturant environment, a mother can benefit from the positive support of the father of her children. A broad array of America’s leading family and child development experts agree that in the best interests of children and the Nation as a whole to encourage more two-parent, father-involved families.

According to a 1996 Gallup Poll, 79.1 percent of Americans believed that the most significant social problem facing America is the physical absence of the father in the home and the resulting lack of involvement of fathers in the rearing and development of their children. According to the Bureau of the Census in 1996, 16,993,000 children in the United States, one-fourth of all the children in the United States, lived in families in which a father was absent.

The United States is now the world’s leader in fatherless families according to the U.S. Census Bureau, and the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if his parents are not married. The likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if his parents are not married.

According to a Gallup Poll, over 50 percent of all adults agreed that fathers should spend less time with their children than their fathers spent with them. It is not just a problem of fathers who are not ever there but fathers who nominally live in the home and do not spend time with their children.

President Clinton has stated that the single biggest social problem in our society may be the growing absence of fathers from their children’s homes because it contributes to so many other social problems. President Clinton continued, ‘‘The real source of the welfare problem is the inordinate number of out-of-wedlock births in this country.’’

A growing number of community-based organizations are implementing outreach support and skills-building programs for fathers. I have personally worked with many of these. We recognize that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

As supporters of this resolution, we urge each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in the rearing of his children, and to encourage the academic, moral and spiritual development of those children.

Some argue that nothing can be done, but Governor Frank Keating in Oklahoma has an excellent plan through his human services division leader, Jerry Regiere, that illustrates exactly what can be done at the State level and some at the Federal level.

Madam Speaker, at the end of my remarks I will include for the RECORD an article that appeared in yesterday’s Washington Post by Barbara Dafoe Whitehead.

I would like to just quote at this time a few things from this excellent article by Barbara Dafoe Whitehead.

It is a profound social problem when a child grows up in single or no parent situations; stepfather is cards aimed at the alter-

Some argue that nothing can be done, but Governor Frank Keating in Oklahoma has an excellent plan through his human services division leader, Jerry Regiere, that illustrates exactly what can be done at the State level and some at the Federal level.

barbara Dafoe Whitehead has been a leader in efforts to encourage father involvement for at least 15 years. When I first was Republican staff director at the Children Family Committee here in Congress, she worked with us as we tried to raise this issue as we saw the problem exploding in our country.

Her column starts:

A couple of months ago, amid the Elian Gonzalez controversy, U.S. Attorney General Janet Reno issued a remarkable statement on the nature of fatherhood. The United States, she told a news conference, is a Nation, quote, “whose law and whose very bond, a special, wonderful, sacred bond between father and son.”

She continued in her column:

Take a look at the Father’s Day cards in any neighborhood drug store. There alongside the classic greetings for fathers and stepfathers are cards aimed at the alternative dads. For the last few years there have been cards for children to send to their fathers and to the classic sentiments like this one: ‘‘I miss you more than ever, Daddy, now that it’s Father’s Day
and even though I'm too far away to hug you with my arms, I want you to know I'll be hugging you in my heart.

"This year at my CVS," Barbara Dafoe Whitehead continued.

There are two new sections of Father's Day cards. One is under a sign reading "Like a Father." The cards feature such messages as: Just want to thank you for all the ways you've been a dad. The other section, poignantly labeled "Anybody," contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a positive male role model card for Mom, a woman who's done all the things that a father usually does.

You don't find a parallel range in Mother's Day cards.

She concludes this excellent article by saying:

As marriage has faded, fatherhood has split along the seam between biology and sociology. But more than anything else, this tangle of father types creates all kinds of problems over nomenclature—what do you call the man who lived with your mother for a while and still comes by now and then to take you to ballgames?—which probably explains why "Anybody" is a growing niche in greeting card market.

A fast-growing father group includes cohabiters who share the children's primary residence. These are the exes—ex-stepfathers, ex-foster dads or ex-boyfriends—who have no biological or legal tie to the children but once played some kind of father role in their lives. There are also the father figures—mentors, Big Brothers, coaches, clergy—who have no biological, legal, marital or residential tie to the children.

Unfortunately, while fatherhood has changed, children have not. Children all need love, protection, security and, perhaps most of all, stability in their lives. Many of the new varieties of fatherhood don't give that to kids. They're too geographically remote, too legally fuzzy or circumscribed, or too fleeting to do so.

No one would dream of trying to convince children that their mother could be replaced by several different kinds of mothers, all playing different roles at different times in the child's life. Yet, that's what we are communicating to the many children whose fathers are absent, distant or unknown.

Take a look at the Father's Day cards in any neighborhood drugstore. There, alongside the classic greetings for fathers and stepfathers, are cards aimed at the alternative dads. For the last few years there have been cards for children to send to fathers who don't live with them. They carry sentiments like this one: I miss you more than ever Daddy, now that it's Father's Day/... the only one who's been there with my arms, I just want you to know I'll be hugging you in my heart.

This year, at my local CVS, there are two new sections of Father's Day cards. One is under a sign reading "Like a Father." The cards feature such messages as: Just want to thank you for all the ways you've been a dad. The other section, poignantly labeled "Anybody," contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a Positive Male Role Model card for the Good Man who's done all the things a father usually does.

You don't find a parallel range of Mother's Day greetings. Despite all the dramatic changes in women's lives over recent decades, little has occurred to shake what Janet Reno might call the moral and legal foundations of motherhood.

Consider the different the Elian case would have been if it had been the boy's father who had died, and his mother who wanted him back. Few would have questioned the latter's other rights. To a child, the critical state what is painfully apparent to many children today, the bond to a mother is rock solid, but the bond to a father isn't.

Although both motherhood and fatherhood have both biological and sociological dimensions, these dimensions are virtually fused in motherhood, especially during a child's early years. To an infant, a mother's body is both life and food, nature and nurture. This isn't true of fatherhood. Biologically, a father is a one-minute parent. (Consider sperm donors.) Indeed, a man can become a father and be the last to know, sometimes years after the fact.

What's more, his biological contribution does not naturally dictate his sociological role. Sociological fatherhood is a lot like being a designated driver. Men can choose to take on the role and the effort it involves, either for the sake of the child or perhaps sentimental through other kinds of ties to the mother and her family—and they can also choose not to. Because of this more tenuous connection, sociological fatherhood is often problematic. All societies face the challenge of connecting biological and sociological fatherhood in some fashion in order to make sure children are protected and loved.

Within living memory, of course, there was a single prevailing model of fatherhood in America. In it, a father was connected to his children through three ties. The first is blood, or its legal equivalent, adoption. The second was a shared household with the mother of his biological or adopted children. The third was marriage to the mother of these children. In this model, marriage was most important of the three because it bound the other two ties together.

With the new dads, one or more—or even all—of these ties may be missing. For example, some men have a blood tie to their children but have never had a residential, marital commitment to them. Others have a blood tie to their children but are divorced from the mother and no longer share the children's primary residence. Still others are married stepfathers who live with their wife and her biological children, voluntarily contributing to supporting and raising the children but have no blood tie to them. A fast-growing father group includes cohabiters who live with the children but are not married to their mother; some have blood ties to the kids but others are "step" fathers, who are unrelated by blood to the children that their mother could be replaced by several different kinds of mothers, all playing different roles at different times in the child's life. Yet, that's what we are communicating to the many children whose fathers are absent, distant or unknown.

What began as a conscientious response to a crisis is hardening into something like the new status quo. We once saw sometime, part-
when they live apart, the father’s involvement tends to diminish over time. As for the idea that we can replace biological fathers with father-surrogates, it’s a comforting notion but recent experience suggests just how hard it is to pull off. Mentoring programs are particularly struggling to keep pace with growing caseloads of fatherless boys, a task requiring endless recruitment campaigns, background checks and training sessions and still falling short.

As it turns out, finding and keeping a father for every child who lacks one is a tall order. Moreover, the costs are high and lavish amounts of effort and invention—not to mention DNA tests, hospital birth registration programs, child support orders, visitation agreements, public service announcements and community fatherhood campaigns—to scrape together what are still more term-limited and fleeting forms of fatherhood.

As marriage has faded, fatherhood has split along the seam between biology and sociology. But more than anything else, this project of trying to figure out what one father from several kinds of daddies is contrary to what kids want and need. Anyone who raises children knows that they are natural social conservators, a role that is hard to pass on except perhaps in their bedrooms, stability, constancy, permanence and security of having fathers worry about them rather than having the reverse responsibility of worrying about their father. And as much as they may benefit from and enjoy their relationships with other male role models, they aren’t likely to confuse confusion or mentors with a “real dad.” Retrograde as it may sound, most kids still want one father who fulfills multiple roles all of the time rather than several fathers who fulfill a few roles some of the time. But today, too many kids have to content themselves with a kind of fatherhood that is as paper-thin as the sentiment on a rental participation. I believe this resolution is pressing the appropriate issues and the needs of both the father and the child. And if it stirs the public interest and brings the strength of its numbers to bear on this question, then it’s a job well done.

Mr. SOUDER. Madam Speaker, I yield the balance of my time.

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

Madam Speaker, today, one day after Father’s Day, we stand before the House to encourage the participation of fathers in the growth and development of their children. This bipartisan effort, we note that the role of fathers in today's families has always been a prominent issue, but much more so in recent years, because too many of our children are growing up in homes without the benefit of a father.

The percentage of children growing up in a home without their father nearly tripled between 1960 and the early 1990s. Depending on estimates, today, somewhere between the cited figure of 16 million to 24 million American children are fatherless without their biological fathers, and it is a shock to me that fully one-third of children today are born out of wedlock.

Most importantly, fatherless homes have a devastating impact on our children. The search indicates, that without a father, children are four times as likely to be poor and twice as likely to drop out of school.

Fatherless children also have a higher risk of suicide, teen pregnancy, drug and alcohol abuse and delinquency. The importance of fathers in the development of their children cannot go unnoticed. Unfortunately, the challenges of fatherhood are not restricted to those who do not pay child support or so-called deadbeat dads. Many fathers are caught between their duties at their work and the responsibilities to their families. The problems encountered by today’s families are not limited to deadbeat dads. There are our families who are also hampered by deadbeat dads, who want to be there for their children, but for one reason or another, cannot.

As the father of a 3-year-old boy, Matthew, and a 9-month-old girl, Sarah Eliza, I applaud the importance of spending time with my children and the pain it seems of always being short on that time. We spend a lot of time doing the Nation’s business paddling in this rather large pond and yet somehow it feels to me that once we withdraw from this arena, that we will leave behind perhaps what one would leave behind if we pulled our hand out of a bucket of water, the Nation’s business will continue, but I am absolutely confident that I will be the only father who can say that with his children, and that like many others, struggle constantly with the needs of the Nation, the needs of our family, and the needs of providing for both.

Madam Speaker, I am encouraged by the work of the Congressional Fatherhood Promotion Task Force. Their efforts, throughout this resolution and other activities have begun to focus attention on the very important issues of complete families, fatherhood and parental participation. I believe this resolution sends a very strong signal to America, and it is a bipartisan resolution that all Members should support.

Madam Speaker, I yield the balance of my time.

Mr. PITTS. Madam Speaker, as a co-chairman of the Congressional Task Force on Fatherhood Promotion, I am very pleased to rise in favor of this resolution. First of all, I want to thank the gentleman from Indiana (Mr. SOUDER) for his leadership on this bipartisan effort to move the resolution. Statistics show that the American family is under siege as an institution.
and studies show that even in a high crime or an inner-city neighborhood, well over 90 percent of children from safe, supportive homes do not become delinquents. Children with fathers at home tend to do better in school. They are less prone to depression, and they have more successful relationships.

The National Fatherhood Initiative, founded by Dr. Wade Horn and Don Eberly from my district have helped to stem the tide of children being raised in homes without fathers.

Dr. Horn tells us that when the National Fatherhood Initiative was founded, the topic of fatherhood was still not considered an issue of national significance. The first and the most important task that NFI set out to accomplish was to stimulate a broad-based discussion to socialize the nation on behalf of involved, committed, responsible fatherhood.

The National Fatherhood Initiative is doing a very effective job. I think, and celebrities like Tom Selleck, James Earl Jones, Roger Woods and his father Earl, General Colin Powell, Coach Joe Paterno have all lent their names and efforts to this cause.

I, along with several other Members in Congress, have come together to form this task force on fatherhood, trying to raise the profile of the issue by legislative means, and the NFI has been very successful.

Thousands of community-based grassroots programs designed to provide support, skills, encouragement to fathers have sprung up all over the country. Dozens of governors have held fatherhood conferences. Fatherlessness is getting the attention that it finally deserves.

According to the 1996 Gallup poll, 90.9 percent of parents believe it is important for children to live in a home with both father and mother.

This resolution recognizes that the creation of a better country depends in large part on the active involvement of both parents, fathers in helping, rearing and developing their children.

This resolution urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, to encourage the academic moral, spiritual development of his children.

This resolution urges governments and institutions at every level to remove barriers to father involvement, to enact public policies that are father friendly, that encourage and support the efforts of fathers who want to become more engaged in the lives of their children.

It encourages each father to devote time, energy and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, and nurturing, family environment.

Finally, this resolution expresses our support for the National Fatherhood Initiative, its work to inspire and equip fathers to be positively involved in raising and developing their children.

Madam Speaker, the family is the core of American society. As goes the American family, so goes America. The most important thing we can do is to make sure the American family is on a strong footing, and that means restoring American fatherhood.

Madam Speaker, I urge my colleagues to vote for this resolution.

Mr. WU. Madam Speaker, I yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Madam Speaker, I am certainly appreciative of my colleagues and the other gentlemen who have come together to form the Congressional Fatherhood Task Force and appreciate their work.

Madam Speaker, I would like to prefix my remarks by saying that I am probably one of the few Members in Congress who knows how it is to grow up in a home with a single parent, and that does not in any way distract from the good work of my dear mother, obviously, I am now in Congress. I know that she smiles upon me from heaven, and it was indeed a struggle, and I would have wanted very much to have had a father in the home. So I guess my remarks are not only those that are prepared, but ones that speak from the heart, having lived and breathed a single parent household for all of my childhood life.

David Blankenhorn published a book, Madam Speaker, and Members called Fatherless America: Confronting Our Most Urgent Social Problem, criticizing the American culture and social institutions and examining the father’s role in the family and the weakening of the bond between men and their children.

This book along with many other publications provides, I believe, a foundation for the fatherhood movement that has surged over the last 5 years, and I am so happy that we are now about to do the business about giving some vital and needed attention to this whole question of fatherhood and what fatherhood is and what it is not in terms of our children across the country.

Society and our many systems would have us believe that financial support from fathers is a primary need for many of our children that are currently being raised by single mothers. Unfortunately, financial support from fathers is not the only need of these children and in some instances may not be the critical need as we have been led to believe. Emotional support, love and stability is just as important for a child as financial support from a father.

Fathers are important to their children and should play an important role in their lives beyond the role of being the breadwinner. Poor children need love and support just like any other child. Fathers are the ones that have a relationship with their children regardless of their financial status. Unfortunately, many poor fathers are viewed as deadbeat dads instead of dead broke dads. It is not that these fathers are unwillingly financially support their children, it is that they are unable to do so due to many societal challenges, unemployment and underemployment.

I believe it is imperative to recognize the importance of the noncustodial father for their efforts instead of berating them for their inability to pay a fixed amount of child support each month. Many fathers are active in the lives of their children because they want to be very active in the lives of their children.

Many women who are low income, underemployed would very much like their children’s father to be there and provide some of the support that they need.

We understand that a lot of the fathers, when they suffer from low literacy and poor employment history and, unfortunately, the wars in which America has been engaged has perpetuated a lot of substance abuse and a lot of fatherless children.

There is an array of issues, Madam Speaker, that we should be examining particularly in the United States Congress. We can dismantle some of the obstacles that prevent fathers from being with their children and develop policy that encourages rather than discourage the fermenting of the family unit.

It is time for us to support responsible fatherhood. I support the amendment enthusiastically and applaud the vision and the creativity of my colleagues in the United States Congress who knows how it is to grow up in a home with a single parent, and that does not in any way distract from the good work of my dear mother, obviously, I am now in Congress. I know that she smiles upon me from heaven, and it was indeed a struggle, and I would have wanted very much to have had a father in the home. So I guess my remarks are not only those that are prepared, but ones that speak from the heart, having lived and breathed a single parent household for all of my childhood life.

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

Madam Speaker, I want to observe that there are as many different ways of families in America as there are families. I think that the vast majority of fathers do want to be present, but there are times when needs draw us apart.

My family history is that which just about every American family has shared at one time or another in their respective family histories. My dad came to America when I was 4 months...
Mr. PITTS. House Resolution 522 expresses the importance of fathers in the rearing and development of their children. H. Res. 522 urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the moral and spiritual development of his children.

I commend the gentleman from Pennsylvania, Mr. Pitts, on this fine piece of legislation.

This past weekend, I was fortunate to be recognized for my work by the most important people in America. I was not recognized by some organization for my work as a Congressman, but by my children for my work as their father. My role as a father is the most important role in my life. This past weekend families all over the country celebrated Father’s Day, and recognized their fathers for all the hard work and love and encouragement they provide.

Today, we here in Washington wish to say thank you to all of the fathers who work every day to instill good values in their children. We wish to say thank you to all of the fathers who make sure their children finish their homework before they go outside to play with their friends. We wish to say thank you for making
your children eat all of those green vegetables before they have those Oreo cookies. We wish to give them you and having the patience to teach your children how to catch a baseball, ride a bicycle, say no to drugs, and drive a car responsibly. I know it is not always easy to be the guy who has to be in all of these places at once, but you all have such an important role to your children and our society.

Finally, I want to say thank you to my father. I remember growing up in Eufala, Oklahoma when my father worked three jobs to keep food on the table. He still had the time to instill in me the values that have made me the man I am today. Thank you Daddy.

Today I urge all my colleagues to support this piece legislation, and send thanks to all of our responsible fathers across this great nation.

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

The Chair recognizes the gentlewoman from Indiana (Mrs. BIGGERT). The question is whether a motion to reconsider was agreed to.

The motion to reconsider was laid on the table.

MOTION TO RECONSIDER LAYED ON THE TABLE

The motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING MONEY LAUNDERING

Mrs. ROUKEMA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 495) expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of non-cooperative jurisdictions in the fight against international money laundering.

The Clerk read as follows:

H. Res. 495

Whereas the International Monetary Fund has estimated the amount of international money laundering to be at least $600,000,000,000 annually representing 2 to 5 percent of the world’s gross domestic product;

Whereas money laundering is a crucial adjunct to the underlying crimes that generate money, including drug trafficking, kidnapping, murder, international terrorism, and other forms of violent crime;

Whereas money laundering and foreign corruption facilitate each other, undermining the efforts of the United States to promote democratic institutions and economic development around the world;

Whereas, in today’s open and global financial markets, which are characterized by a high mobility of funds and the rapid development of new payment technologies, the tools for laundering the proceeds of serious crimes have become more sophisticated and readily available;

Whereas recent years have witnessed a sharp increase in the number of jurisdictions offering financial services without appropriate regulation and which are protected by strict banking secrecy legislation which facilitates the anonymous protection for illegal assets in certain countries or territories making them even more attractive for money laundering;

Whereas the proliferation of such non-cooperative countries or territories which do not, or only marginally, participate in international anti-money laundering efforts, including those involved in financial crime, also exacerbates competition between these centers and so contributes to worsen existing practices and makes more difficult the maintenance of anti-money laundering standards in other countries;

Whereas, in order to ensure the stability of the international financial system and effective prevention of money laundering, all financial centers in the world should have comprehensive control, regulation, and supervision systems, and that all financial intermediaries and agents be subject to strict obligations, notably as regards the prevention, detection, and punishment of money laundering;

Whereas the Financial Action Task Force on Money Laundering (FATF), of which the United States is a founding member, was established for the purpose of developing and promoting policies to combat international money laundering;

Whereas the FATF, consisting of 26 jurisdictions including international organizations, originally issued in 1990 and revised in 1996 40 recommendations designed for universal application that set out the basic framework for antimony laundering efforts covering the criminal justice system and law enforcement, the financial system and its regulation, and international cooperation;

Whereas the FATF has determined the criteria for defining noncooperative countries or territories consistent with the 40 recommendations, has developed and agreed on a process for identifying noncooperative jurisdictions to include all countries and territories, both inside and outside FATF membership, whose detrimental practices seriously and unjustifiably hamper the fight against international money laundering;

Whereas the FATF has reported that the list of noncooperative countries or territories should include several subcategories of noncooperative countries or territories which could be as follows: countries non-cooperative with severe deficiencies in many areas, partly noncooperative with impediments in various areas, and de facto non-cooperative with no significant impediments in laws and regulations but ineffective regime in practice; and

Whereas the FATF is gathering and analyzing all relevant information necessary for the publication of lists of noncooperative jurisdictions: Now, therefore, be it

Resolved, That it is the sense of the House that—

(1) the United States should continue to actively and publicly support the objectives of the FATF with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list including these jurisdictions identified;

(3) the United States should support the public release of the list naming nonco-operative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New York (Mr. LA-FALCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we want to address the very serious issue of international money laundering and put the House on clear record in support of efforts by the Financial Action Task Force on Money Laundering.

Madam Speaker, money laundering is the process by which organized crime converts or 'washes' the proceeds of illegal acts called ill-gotten gains, namely, cash, and move it back into the economy under their own names. The IMF has estimated that internationally over $600 billion is laundered annually. That is a huge percentage and it is an illegal process and one can only imagine the effect it has on the economy in various parts of the world.

The good news here is that an international organization, namely the Financial Action Task Force on Money Laundering, of which the United States is a member, has been working on this serious and growing problem for some time. In 1990, the FATF issued a list of 40 anti-money laundering standards. The 40 standards are recognized today as being the international standard which should be followed by all countries.

More recently, FATF undertook a systematic review of the compliance by countries with the FATF 40. This process is commonly named and referred to as “name and shame,” a process, and it is nearly complete. Later this month, FATF will identify those jurisdictions which they have determined do not comply with the FATF 40.

I believe it is extremely important that FATF proceed as planned and publicly identify those jurisdictions which are not in compliance. As many have said before, “sunlight is the best disinfectant.” That is exactly the process, and one can only imagine the effect it has on the economy in various parts of the world.

I would note that the FATF “name and shame” process has already produced results. Austria, which is a member of FATF, just announced that it will eliminate, and by “just re-nounced,” the report was last Friday in the Wall Street Journal, that it will
eliminate anonymous savings accounts. As the Journal reported, there are over 20 million anonymous accounts, more than three for each man, woman and child in Austria. These accounts hold an estimated $100 billion. The FATF and money laundering experts had identified the anonymous Austria savings accounts as posing significant money laundering problems. Austria’s action, which came only after it became clear, and I went to stress that, that action and compliance only came after it became clear that the FATF would name Austria, shows that the “name and shame” project can be effective. Austria will then be in compliance with the international standards.

Another benefit from the FATF announcements is that our U.S. banks and securities firms will be on notice regarding what jurisdictions should be avoided and our regulators will be focused on those jurisdictions.

Madame Chairman, this resolution represents a significant step in the direction of serious action to fight money laundering crimes.

This Congress needs to do more on the subject of money laundering. This week Mr. McCOLLUM and I will be introducing a comprehensive money laundering proposal similar to the Administration’s bill from last November. This bill will address major problems such as (1) bulk cash smuggling, (2) currency couriers, and (3) sanctions against money launderers.

These, and other, money laundering issues should be addressed this Congress.

Madam Chairman, as wonderful as this particular proposal is, and I would like to reserve time at the end here to add something more, I would say that as strongly as I support this effort, and it is an essential action that this Congress must take, there is also more to be done that must be done, and I would hope that this is the first step in a concerted, focused effort for this Congress to continue down the antimoney laundering path.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution. Of the many public policy challenges facing lawmakers, facing the law enforcement community and facing regulators, I do not know that any represents as significant a threat to our financial system as money laundering does.

The wholesale cleansing of illegitimate profits derived from criminal activities reaches staggering proportions, by some estimates between $100 and $300 billion in the United States alone, and nearly $600 billion, that is over one-half trillion, worldwide per year.

According to the IMF, this figure represents from 2 to 5 percent of the entire world’s gross domestic product. So in this context, the resolution of the House members from New Jersey (Mrs. ROUKEMA) expressed the support of the House of Representatives for the actions about to be taken by what is known as the Financial Action Task Force on Money Laundering.

That task force is composed of 26 members, including the United States, the European Commission, the Gulf Cooperation Council, et cetera. It was formed by the G-7 economic summit of 1989, and the task force was set up to address the global problem of money laundering. This week, on June 22, the task force will “name and shame,” if you will, non-compliant jurisdictions, both inside and outside the task force’s membership.

The purpose of naming these jurisdictions is to highlight their lack of cooperation in the fight against money laundering.

The resolution follows the recent approval by the Committee on Banking of the Clinton administration antimoney laundering proposal which passed our committee on June 8 with very broad bipartisan support; in fact, almost unanimously. I am hopeful that the bill will soon come before our full House so that we can pass it and it can provide the Treasury Secretary with well-targeted discretionary tools to address discrete problems in recognized money laundering offshore havens.

I should note that the identical language from today’s resolution was included in the administration’s legislation for which we can credit the efforts of our distinguished colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA), international money laundering is at least a $600 billion industry, and that represents at least 2 to 5 percent of the world’s annual gross domestic product.

This Member intends to focus his remarks on H. Res. 495 in four different ways today. These remarks follow: The history and impetus for H. Res. 495; second, the main provisions of H. Res. 495; third, the support for H. Res. 495; and, fourth, the exigent circumstances explaining why immediate passage of H. Res. 495 is needed.

First, to illustrate the history behind the resolution, in February of this year, three of the five committees of the NATO Parliamentary Assembly, including this Member and other Members of this House, met at the headquarters of the Organization for Economic Cooperation and Development, OECD, and, of course, the House delegation to the NATO PA attended that meeting. A major topic of that discussion was FATF, which predominantly includes the representatives of the member States of the OECD.

As mentioned, FATF is an intergovernmental effort whose function is the development and prevention of policies to combat money laundering. The FATF currently consists of 26 countries, including the major financial center countries of Europe, North America and Asia. During the aforementioned meeting NATO PA attended after the presentation of the subject of international money laundering conducted by the FATF and given by the OECD staff, and other private conversations with OECD staff and the parliamentary delegations from the other NATO countries, the U.S. House delegation became concerned whether the FATF actually would publicly name those countries which were identified in their
draft report as noncooperative jurisdictions in the fight against international money laundering. There were indications that the FATF would not name names unless pressure was brought to bear in favor of the naming of non-compliant jurisdictions.

Second: provisions. As a result of that NATO PA meeting, the distinguishing characteristic was that, by agreement, Austria had already recently abolished its controversial anonymous bank accounts. It is going to include that article from the June 16 edition of the Wall Street Journal.

Furthermore, the expression of the sense of the House in this resolution also states that the U.S. should encourage the adoption of the necessary international actions to encourage compliance by these identified jurisdictions. The resolution specifies that the U.S. should put in place necessary countermeasures against money laundering and encourage other nations to do the same.

Three: the support for it. In addition to the distinguished chairwoman from New Jersey and this Member, there are seven additional cosponsors. Moreover, very similar language, as mentioned by the gentleman from New York, was successfully added by the gentleman, the chairman of the subcommittee, the Committee on Banking and Financial Services' mark-up of H.R. 3886. That is a more comprehensive bill, which was advanced by the Committee on Banking and Financial Services on June 8 of this year.

Lastly, exiguous circumstances. Due to the planned release by FATF of some type of report on this subject later this week, it is timely and essential that H. Res. 495, this sense of the House Resolution, be approved today and the resolution conveyed to the FATF and to the OECD.

Madam Speaker, I include this article from the Wall Street Journal for the RECORD:

[From the Wall Street Journal, June 16, 2000]

AUSTRIA ESCAPES CENSURE BY ENDING SECRET ACCOUNTS

(By Michael Allen)

A week before a multilateral task force is scheduled to name and shame world money-laundering havens, Austria has escaped censure by agreeing to abolish its controversial passbook accounts. The 26-nation Financial Action Task Force, or FATF, the world's leading anti-money-laundering group, had warned Austria could be expelled from its ranks if it didn't abolish the anonymous passbook accounts, which date to the Austro-Hungarian Empire. The accounts had become a major concern for law enforcement authorities—a major international task force against money laundering, including the International Narcotics Control Board, which has estimated that these accounts are used to launder 15% of the world's financial transactions—because they offer an almost impenetrable way to disguise the source and ownership of criminal proceeds.

Passbook accounts could be used by anyone who knew the coded number and possessed the book, meaning they could be opened by one person and traded on the Internet to someone else, who could then use them for any number of illegal purposes in complete secrecy—and even access the funds from ATMs around the world.

"Anonymous passbook savings accounts have been a major problem and a critical loophole in the international consensus to combat money-laundering," said Stuart Eizenstat, deputy U.S. Treasury secretary. "This victory represents a clear demonstration of FATF resolve and credibility."

Forcing Austria to rid itself of its own house or leave the FATF was viewed as an essential step before the organization releases a list next week of money-laundering havens that have not staked to have adequate laws and financial supervision. The composition of the list has been kept secret, but observers believe it will be heavily weighted with Caribbean and South Pacific island states.

Another possible candidate is Liechtenstein, which a French parliamentary report described as Europe's most dangerous money-laundering center. "The Liechtenstein government, which has already sent some leading citizens to jail, says it is trying to clean up its act."

According to U.S. Treasury officials, Austria has 24 million anonymous passbook accounts, or three for every man, woman and child in the country, signifying that many of them are in the hands of foreigners. The accounts are believed to hold about $100 billion.

The U.S. and other nations have been trying to get Austria to eliminate the accounts for a decade, but it was only in February that the threat of FATF expulsion prompted Vienna to agree to the Committee on Banking and Financial Services' mark-up of H.R. 3886. The bills has already enjoyed bipartisan support in the House and Senate.

The law calls for anonymous accounts to be eliminated by June 30, 2002. In the interim, many transactions will be prohibited unless the account holder is first identified. "Austrian banks will have to make a fundamental change in the way they do business," said Mr. Eizenstat.

In a move parallel to the FATF initiative, the Paris-based Organization for Economic Cooperation and Development is drawing up a list of tax havens that the group believes unfairly divert tax revenues from developed countries, through the twin lure of low taxes and strict bank secrecy. That list is expected to be released by the end of this month.

Madam Speaker, for the above stated reasons and concerns, I urge my colleagues to support H.Res. 495.

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

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may conveniently consume.

I would like to conclude by making the following observations. It should be recognized that as the ranking member, as well as the gentleman from Nebraska (Mr. BERENSTEN) and the gentleman from Minnesota (Mr. BRADTKE), we have not been able to make any progress on this for some time, and it will supplement what H.R. 3886 does in the international arena, with a very focused effort comprehensively on domestic money laundering. Cash smuggling, currency couriers, and sanctions against the money launderers will be the major problems that we are addressing in the bill; and it is a joint operation between the Committee on Judicature and the Members of the Committee on Banking and Financial Services. These and other money laundering issues, I hope and pray, will be addressed in this Congress; and if not completed in this Congress, then we will make it a top priority in the next.

However, that is for the future. For today, we are very happy to have this resolution before us, and I thank my colleagues for their cooperation and the work that we have been able to accomplish together here.

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

The SPEAKER pro tempore (Mrs. Biggers). The question is on the motion offered by the gentleman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and agree to the resolution, House Resolution 495. The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to. A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 4 p.m.
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Dreier) at 4 o’clock and 9 minutes p.m.

**GENERAL LEAVE**

Mr. WALSH. 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. 4635 and that I may include tabular and extraneous material therein.

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

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4635.

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. Pease in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. Walsh) and the gentleman from West Virginia (Mr. Molloy) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Walsh).

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

Mr. Chairman, it is my pleasure to bring before the full House of Representatives the bill, H.R. 4635, making fiscal year 2001 appropriations for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies. So that we can move quickly, I will keep my comments brief.

First, let me just thank the distinguished gentleman from West Virginia (Mr. Molloy) for his advice and counsel throughout this discussion. Even though we have different political persuasions, I think we share almost all of the same priorities in this bill, which makes it, as one might imagine, much less difficult to bring a bill to the floor.

We do not agree on everything obviously, but I think in most cases we do. So we have enjoyed the benefit of his advice and the staffs have worked very closely together. The subcommittee and the full committee worked very hard to bring this bill out.

Like most of the appropriations subcommittees, we were given a very tight 302(b) allocation. Nevertheless, we were able to make what I think are good policy and funding choices to produce a good, fair bill that deserves support.

Here are some of the highlights: this bill fully funds veterans medical care with a $1.355 billion increase over last year's record level. Last year, we increased it $1.7 billion. $1.355 billion this year for a total of over $3 billion increase in 2 years. I think that shows how important this subcommittee, this full committee, and the House take our commitment to our veterans. It provides full funding for medical research, major construction, and cemetery administration operations.

Just as important, we have begun an effort to conduct better oversight of how much medical care funding goes for medical care, per se, and how much goes to maintaining buildings and facilities. All veterans, no matter where they are located, deserve the best facilities that we can offer.

We have also included language to make sure that veterans medical receipts stay within the VA system and do not go to the Treasury as was suggested by the Administration.

Expiring section 8 contracts at HUD were included language to push the Department to do a better, faster job of getting funds out of Washington to the people who need them most. HUD’s record in this regard is not one to be proud of. We had 247,000 section 8 vouchers go begging last year while others were laid up in the job done. So we have accounted for that and still have fully funded the section 8 requirements.

We have essentially level funded the Community Development Block Grant entitlement programs, trimming them by less than 1 percent. We have level funded or only slightly reduced most other HUD programs, making sure that HUD was not using the bank to pay for other programs as it did last year.

AmeriCorps has been zeroed out. I am sure that will be a topic for discussion in conference and in consultation with the White House. In this bill, there is no funding.

EPA’s operating programs have been level funded while various State grant programs, which assist the States in implementing Federal laws, have been more than fully funded. The Clean Water State Revolving Fund program, gutted in the President’s budget request, has been restored to $1.2 billion. The House committee and the part of Congress to support cleaner water and to improve the environment of this country, an area where I think the Administration is sorely lacking, while State and local air grants from section 319 have been reduced. Non-point source pollution grants have been increased significantly.

Perhaps most important, we have proposed $245 million, more than double last year’s level and $355 million more than the Administration’s request, for section 106 pollution control grants. These grants offer the States the maximum flexibility to deal with the difficult TMDL issues facing the States.

To help the States deal with the MTBE problems caused by leaking underground storage tank facilities, that is a gasoline additive that has recently been banned by the EPA, we have upped the account at EPA by $5 million over last year and $7 million over the budget request.

CDFI, one of the President’s new programs, has been proposed for an increase over last year’s funding level. They are doing a good job. They deserve our support; we provided it.

**1615**

Likewise, the Neighborhood Reinvestment Corporation, perhaps the most productive and most efficient Federal organization dealing with housing, has been provided their full funding level of $90 million. Again, they have earned and deserve our support. We should reward positive performance.

The National Science Foundation has received an increase of $167 million last year’s level over them over $4 billion, their largest funding level ever.

Similarly, NASA received an increase over last year of $113 million, the first increase in several years. Mr. Chairman, there is one point regarding this bill that really needs to be made. I stated at the outset that we faced a tight allocation. Nevertheless, there is some talk circulating that this bill received an allocation that is nearly $5 billion above last year. I would like to try to set the record straight. The reality is that our new allocation is $78 billion in new budget authority. The reality is that CBO’s score for this budget was $76.9 billion. We have, therefore, a net increase of just $1.1 billion over last year.

I hasten to add that that increase has been totally absorbed by VA medical care. $1.355 billion over last year, a Section 8 housing increase of nearly $2 billion, and increases provided for National Science Foundation and NASA over last year’s level. Nearly every other program in this bill was either level funded or reduced slightly so that we could meet these necessary increases and still stay within our allocation.
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I have to say that it would be very difficult to get this bill this far without the support and assistance of my ranking member, the gentleman from West Virginia (Mr. Mollohan), and the rest of this hard-working subcommittee and our staffs, and we have wonderful staffs. While we do not always agree on every issue, every effort has been made on both sides to continue the subcommittee’s strong history of bipartisan cooperation in the crafting of this bill. I truly appreciate the gentleman’s help and close working relationship.

Mr. Chairman, in a nutshell, this is the fiscal year 2001 VA-HUD and Independent Agencies bill. It is a good fair bill, with solid policy direction, while staying completely within our budget authority and outlay allocations. I strongly support the support of this body in moving this measure forward.

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

Mr. Mollohan. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, as I did during our committee markup, I want to begin by expressing my appreciation to the chairman of the subcommittee, the gentleman from New York (Mr. Walsh), and to his staff for their courtesy in dealing with our side of the aisle during this process. Although I do not think this bill is adequate in its current form, I applaud him for doing his best with the hand that he was dealt.

The chairman is to be commended for doing the right thing for veterans medical care, providing a $1.3 billion increase and for providing a $2 billion increase to fully fund renewal of Section 8 housing contracts. But beyond these two large increases in the bill, the numbers before the committee tell a story of missed opportunities.

We certainly appreciate the chairman’s courtesy, we appreciate his listening to our concerns as the bill has been marked up, but because of the allocation that he has been given, he has, I think, and the bill reflects, missed a lot of opportunities.

Instead of expanding even slightly our support for public service by young people through AmeriCorps, this bill zeros that program out totally, a move that would almost certainly lead to a presidential veto.

Instead of providing the support the President requested for basic research at the National Science Foundation, the bill provides $508 million less than that requested by the President for the National Science Foundation.

Instead of providing the amount requested for NASA’s science and technology, the bill falls short by $223 million. In doing so, the bill abruptly terminates research and development on the next generation of reusable launch vehicles that would replace the space shuttle and reduce the cost of access to space.

Instead of doing a bit more to help solve the crisis of affordable housing, the bill provides essentially no expansion of Federal housing assistance and actually cuts key programs like Community Development Block Grants and public housing below the current year level.

And instead of providing the amounts for FEMA that the administration calculated would be needed even for an average year of hurricanes, floods and tornadoes, the bill provides only $300 million of the $2.9 billion requested. As a result, it jeopardizes FEMA’s ability to respond quickly and adequately to natural disasters.

The best that can be said is that this plan spreads the pain more or less evenly across all accounts, except of course for AmeriCorps, which this bill totally zeros. But when I examine the funding levels in the chairman’s mark, I have to ask myself why are we not providing more resources for medical research at the Veterans Administration or for construction of State-need-extended-care facilities for veterans? Why are we not doing more to expand the supply of affordable housing and helping our Nation’s homeless? Why are we not doing more for environmental restoration and protection? And why are we not doing more to explore space and perform the basic scientific research that is directly responsible for our current economic boom?

We have the largest budget surplus in decades, a surplus that keeps growing with every estimate. Yet rather than using part of that surplus to better meet our national needs, the majority leadership has decided, instead, to reserve it; to reserve it for large tax cuts targeted at upper-income levels that will never be enacted. That approach was wrong last year, and it is wrong now.

Once again the Congress is being put through an exercise. The appropriation subcommittee chairmen are being given unreasonably low allocations and are being told to write bills accordingly, which they reluctantly do. By the time these bills are signed into law, however, we end up with something so markedly different that it begs the question of why we go through this exercise at all.

I want to be clear about this. I believe the gentleman from New York has done the very best job he could do with what he was given. However, I reject the notion that this is the best we as a Congress can do.

I want to be clear about this. I believe the gentleman from New York has done the very best job he could do with what he was given. However, I reject the notion that this is the best we as a Congress can do.

This bill, through no fault of the chairman, is a series of missed opportunities, missed opportunities to improve our nation’s infrastructure, which virtually allows every community in this country either needs improvement in or need for water and sewer infrastructure to begin with; missed opportunities to assist people of modest means to afford decent housing; missed opportunities to address the great needs of the VA; missed opportunities to invest in science and technology, and the list goes on and on, Mr. Chairman. If we do not take these opportunities now, at a time when we are experiencing the best economy in a generation, when will we do it?

During full committee markup, we on this side of the aisle offered several amendments in an attempt to add funds in a few critical areas. Unfortunately, all of those amendments were defeated, some by razor thin one-vote margins. We will attempt to do the same today and tomorrow as the full House considers this legislation.

No matter what happens, Mr. Chairman, with these amendments, I believe we have a bill that everyone can support.

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

Mr. Frelighusen. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey (Mr. Frelighusen), a member of the subcommittee.

Mr. Walsh. Mr. Chairman, I yield 6 minutes.

Mr. Walsh. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey (Mr. Frelighusen), a member of the subcommittee.

Mr. Frelighusen. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the VA-HUD appropriations bill.

Under the leadership of the gentleman from New York (Mr. Walsh), and our ranking member, the gentleman from West Virginia (Mr. Mollohan), our subcommittee has produced an excellent bill. I compliment them both. I also compliment the chairman for restructuring our hearing process to get everyone to actually get answers to serious housing, environmental, scientific and medical questions that fall within the purview of HUD, the EPA, the National...
Science Foundation and NASA, and the Department of Veterans Affairs, among a number of Federal agencies under our committee's jurisdiction.

Our subcommittee chair has faced a difficult task in balancing so many national and regional priorities within a limited budget allocation. This bill contains $76.4 billion in discretionary funds, $2 billion over last year's $74.3 billion level. However, the Congressional Budget Office estimates that $76.9 billion is needed in fiscal year 2000 just to fund a freeze from last year.

That said, the chairman has done a good job of keeping our heads above water while living within our means. The Department of Housing and Urban Development, one of the largest Federal departments, with over 10,400 employees, receives an increase of $4 billion over last year. Virtually all of this increase goes to fully fund section 8 renewals and tenant protections, which are important. Level funded is section 202 housing for the elderly and section 811 housing for individuals with disabilities, public housing operating subsidies, homeless assistance grants, and Housing Opportunities for Persons with AIDS, known as HOPA.

This committee has been especially interested in acting on behalf of housing for people with disabilities. For the past 4 years, this committee has created a section 8 disabilities set-aside to earmark some of those funds to help individuals with disabilities find suitable housing. This year, for the first time, the President finally agreed with our committee on the importance of this particular disabilities set-aside. Our bill contains the $25 million to fund the President's long overdue request for this purpose.

Also, under HUD, this bill contains language mandating that 75 percent of the section 811 disabled housing program funds be spent on new construction. There is simply an insufficient supply of housing available for individuals with disabilities; therefore, we need to emphasize housing production over rental assistance. We reject the administration's proposal to drop the mix to 50-50, and this bill insists that 75 percent of the funds go towards building new housing units.

The Environmental Protection Agency is about the administration's budget request of $7.2 billion. Nevertheless, the clean water State revolving funds are increased by $400 million over the President's level, for a total of $1.2 billion, because this remains a core environmental goal of many towns and cities. State air grants, safe drinking water, State revolving funds and research are all increased over last year's amounts as well. So there are increases.

The committee has matched the President's request of $1.2 billion for the Superfund program, an increase of $2.5 million over last year. Superfund was established in 1980 to help clean up hazardous materials in many waste sites around the country that have been abandoned.

As a Member of Congress, I have the dubious distinction of having more of these sites on a national priority list in my congressional district than any other. I am glad today that this program continues to emphasize remediation rather than litigation, cleanups instead of costly, protracted lawsuits.

The EPA section of this bill also seeks to address the serious problems which we have discussed in our public hearing caused by the use of the gasoline additive known as MTBE.

During our hearings in March with EPA Administrator Carol Browner, I raised the growing problems associated with this gasoline additive. While MTBE is used in an effort to reduce fuel emissions and meet Federal clean air standards, the EPA was well aware early on that it had begun to contaminate water supplies throughout the country.

California has at least 10,000 contaminated sites, New York 1,500, New Jersey nearly 500, and many communities in my district are affected adversely.

As a result of our March hearing, Administrator Browner finally took steps to phase out the use of MTBE. This bill builds upon that decision by providing $9 million for efforts to correct leaking underground storage tank problems associated with this additive.

Further, this bill reinforces the commitment of this committee and Congress to scientific research. I am referring particularly to the National Science Foundation, which marks our 50th anniversary this year. It is funded at a record $4.1 billion. This is an increase of $167 million, or a 4.3 percent increase, over last year.

It is also the first time funds for this agency have topped the $4-billion level, with only a small portion to Federal spending. This agency has been a powerful positive effect or change in terms of national science and engineering in every State and institution of higher learning. Every dollar invested in the NSF returns many fold its worth in economic growth.

I support this budget. I support the NSF. And I support the work of the committee.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this bill is a debate or part of the debate about our national priorities and our national values and it helps decide who we are going to put first in this society.

This Congress has committed itself to pass a large number of very large tax cuts, and most of those tax cuts are aimed at the most well-off people in our society. The wealthiest 2 percent will receive 75 percent of all tax cuts. And our ability to afford those tax cuts is based on the assumption by the majority that over the next few years we will cut $125 billion below current services, below existing purchasing power levels, a whole host of programs: education programs, health programs, housing programs, land acquisition programs, science programs, all the rest.

That is really what this debate is all about. Because this is one of the appropriation bills that is cut by a large amount below the President's budget in order to pretend that we can squeeze out enough room for those huge tax cuts aimed at the most well-off people in this society and I do not believe we ought to do that.

I think we need to look at this budget in terms of what we need 10 years from now because this is a growing society. It is a growing population. We will have more young people, we are going to have more people who need housing, we are going to have more people in high schools, we are going to have more people in college, we are going to have more needs, and these bills are not responding to them.

Some examples of that lack of response are as follows: As has been indicated, the distinguished chairman has done the best he can given the budget ceiling which was assigned to his subcommittee and this bill does contain a welcome $1.35 billion increase for veterans' medical care. It is about time that both parties get off their duff on that. But it fails to adequately provide for several other priorities for veterans.

It does freeze funds for veterans' medical and prosthetic research. It cuts grants for construction of State veterans homes one-third below current year levels and does some other things that we are not happy about. It needlessly creates a political confrontation with the President by terminating the Corporation for National and Community Service, including the AmeriCorps program. Everyone on this floor knows the President is not going to sign this bill with that provision.

For housing, it appropriates no funds for the 120,000 new housing assistance vouchers proposed by the administration. It cuts Community Development Block Grants $276 million below the current year level and $386 million below the President's request. It freezes funding for homeless assistance.

It provides a number of other cuts on the environmental front and on the NASA front.

I do not believe the most serious cut of all in terms of our long-term economic health is what this bill does to the National Science Foundation because it falls short of the President's
Mr. Chairman, I want to thank the gentleman from New York (Mr. MOLLOHAN), the ranking member, for his working relationship that I think makes this bill all possible.

H.R. 4635 is a good bill and keeps us within the budget resolution. I would point out that the product before us contains, as undoubtedly has been commented on, no Member earmarks. In this respect, it is eminently fair because there are no winners or losers.

The fiscal year 2001 VA–HUD bill is a fair piece of legislation produced under very difficult circumstances and is within, again, the budget resolution. It responsibly provides a $1.3-billion increase for veterans’ medical health care, fully funds section 8 housing, and provides sound investments in research-intensive agencies, such as NASA and, as the gentleman from New Jersey (Mr. FRELINGHUYSEN) just mentioned, the National Science Foundation.

As this process moves forward, there will be plenty of opportunities for Members to offer their suggestions and amendments before the President formally signs the bill. I would implore my colleagues not to let perfection be the enemy of good. This is a good and responsible bill, and I encourage all my colleagues to support it.

Again, the gentleman from New York (Chairman WALSH) is to be saluted for crafting this piece of legislation under these circumstances. He has worked in good faith with the ranking member on the other side in a bipartisan spirit to form a bill that the House has now before it.

My colleagues, this is a fair bill and there will be time to strengthen it further as the process moves along. So I urge its support.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I speak today on one part of the bill before us, title I, the bill funding the Department of Administration, and I speak as ranking member of the Subcommittee on Benefits of the Committee on Veterans’ Affairs in this House.

Now, all of us in this chamber have spoken of our deep respect for the chair, the gentleman from New York (Mr. WALSH), but we also have taken issue with the sense that we are doing all we can do in this bill, in this case for our Nation’s veterans.

The gentleman from New York (Mr. WALSH) talks in a passive sense that we have been allocated a number. This is an active decision by this House to allocate certain figures, and this House is empowered to do what it will with regard to the budget.

As the gentleman from Wisconsin (Mr. OBIEY) has pointed out, we have spoken about our priorities. This budget ranks veterans’ affairs, I am afraid, very low in the priorities.

The chair said that this is fully funded, but we know that care for veterans is fully funded. I am not sure what that means, but I would challenge my colleagues to go to any town hall meeting of veterans in this Nation and tell them that their benefits and their health care is fully funded.

The gentleman from Michigan said this is a good and responsible budget. I take issue. It is not a good budget. It is an irresponsible budget. We are reneging on our commitment to our Nation’s veterans, Mr. Speaker. We have asked our veterans to sacrifice in war. When we had deficits, we asked our veterans to take cuts because we had to share the sacrifice of cutting those deficits.

But now that we have surpluses, it is unacceptable for us to kick back those commitments and start fulfilling those commitments.

Many of our national cemeteries are a national disgrace. The waiting list for our veterans to see medical specialists is going months and months and months to get adjudicated. Their benefits claims may take years. This is not a good and responsible budget. We are falling behind, Mr. Speaker, on medical research for veterans. We are falling behind on our commitment to fund our State veterans’ homes. We are falling behind on providing educational benefits to those veterans.

The Montgomery GI bill is almost worthless in terms of its spending power in today’s market.

I am going to submit amendments, Mr. Chairman, to cover some of these shortcomings, but I want to speak on a couple now. We are not adequately meeting the benefit and health care needs of veterans who served in the Gulf War and who now suffer from various diagnosed and undiagnosed disabilities. It has been almost 10 years, Mr. Chairman, since the men and women of our Armed Forces were sent to the gulf, yet they do not know what caused their illness, and we have no treatment for it. We must not relax our efforts to fund necessary and appropriate research. This budget does virtually nothing for those veterans.

I speak today, Mr. Chairman, on behalf of the Independent Budget, a budget that was propounded by a coalition of all the veterans organizations in this Nation. It is a responsible, professional budget. They show that this budget falls behind on our commitment by a minimum of $1.5 billion. It points out that as our veteran population ages, the need for long-term care increases. One means of providing that is through our funding of State veterans homes. In fact, a new home just opened in my congressional district; and already
there is a waiting list of hundreds and hundreds. Other areas should have the same opportunity as the veterans in my San Diego region with the opening of this new home. Yet this budget has a decrease in funding for State homes.

Mr. Chairman, our Nation’s veterans require an educational benefit that will actually allow them to attend college. I will propose such an amendment when the time comes. We have fallen behind on trying to deal with our homeless veterans. Thirty to 40 percent of those on the street are veterans. This is no way to treat those who served for us. We should increase that. This budget does not.

Finally, Mr. Chairman, we have a group of people in this Nation who served during World War II and were drafted into Armed Forces, Filipino veterans who helped us win the war in the Pacific. They are in their 70s and 80s. We need to provide them the health care that was taken away by this Congress more than 50 years ago. $30 million is required to provide this health care. I will submit an amendment to do just that.

Mr. Chairman, we are falling farther and farther behind with this budget. It is time to re-examine our priorities. It is time to recognize the heroism and sacrifice of our Nation’s veterans. Let us truly fully fund this budget. Let us truly make this a good and responsible budget. Let us do better for our Nation’s veterans.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume just to discuss some of the issues that were just raised.

I will be brief. I am not going to fight every battle and counter every argument, but I do think it needs to be said that we are not falling behind. We are not falling behind in our commitments to our veterans. In fact, the strides that have been made in the past 2 years, $1.7 billion last year, almost $1.4 billion this year, that is over a $3 billion commitment in a $20 billion health care allocation. That is a profound commitment to our veterans. I do not believe any Congress in the recent or distant past has made that sort of commitment. I strongly disagree with the gentleman’s statement that we are falling behind. If anything, we are quickly catching up if not pulling ahead. But to say we are falling behind, I think, gives grist for the mill for those uninformed people out there who are saying we are not keeping our commitments to the veteran. I strongly disagree.

On the issue of the G.I. Bill, those benefits are mandatory. The gentleman sits on the committee of authorization. That is where that issue belongs, not here in the committee on appropriations. Those are mandatory benefits, not within our purview to determine allocation of funds. It is mandatory.

Lastly, the GAO study says that the Veterans Administration is wasting $1 million a day through poor administration. That is over $300 million a year wasted. We cannot afford to have that waste continue. Clearly, this Congress can do better; but the administration can, too.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I believe the gentleman from New York (Mr. WALSH) has done a fine job with the resources he has available and certainly the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Wisconsin (Mr. OBEY), our ranking members, who have said that we can’t bring this bill to the floor; but it is not a good bill. I just want to reiterate what I have said over and over again as a part of the Committee on Appropriations. The budget is woefully under-funded at the time when America’s prosperity is well, when the budget surpluses are higher than they ever have been or ever thought to be at this time in the process, we are dealing with a budget process in a very important veteran’s budget, housing budget and EPA budget that is going lacking.

Why is that? Well, some months ago, this Congress passed in a very partisan way 302(b) allocations which are the bottom line numbers that each of these budgets reflect. So we find ourselves fighting over very important programs that need to be funded. Veterans who have served this country and served well ought to have full coverage and ought to be able to have their medical needs met. They ought not be homeless. We should increase that need to be funded. At a time when America’s prosperity is well, we ought not to have to wait until we get to conference. But, Mr. Chairman, as we leave and this bill is on the floor, we will be debating it much of this evening. Let us remember those veterans, those poor people who need us to speak out for them.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me first appreciate the efforts of the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) because they probably did a competent job with what they had to work with. But I still believe that in addition to the veterans and the housing needs, this bill also represents a lost opportunity in research. The President proposed a historic budget increase for the National Science Foundation this year. The increase was intended to bolster the activities of an agency with a critically important role in sustaining the Nation’s capabilities in science and engineering research and education.

In this time of budget surpluses, if we cannot do it now, when will we do it? I think it is a travesty that this bill is on the floor with shortages in homelessness, medical care, and treatment for veterans. We ought not to have to wait until we get to conference, it is going to be lacking. In public housing needs, it is lacking. We can do better in this Congress.

I would hope that as we go through the process, as we get through conference, and everybody says, Wait till we get to conference, it is going to be better, it is our responsibility today, we ought not have to wait until we get to conference. But, Mr. Chairman, as we leave and this bill is on the floor, we will be debating it much of this evening. Let us remember those veterans, those poor people who need us to speak out for them.
of return for basic research performed at academic institutions has been found to be at least 20 percent.

Basic research discoveries launch new industries that bring returns to the economy that far exceed the public investment. The recent example of the Internet, which emerged from research projects funded by the Defense Advanced Research Projects Agency and the National Science Foundation strikingly illustrates the true investment nature of such research expenditures. What will then be the effects of the anemic increase provided for the National Science Foundation by this bill? The most important is also the least quantifiable, that is, the lost opportunities due to research ideas that are not pursued.

Last year alone, the National Science Foundation could not fund 3,800 proposals that received very good or excellent ratings by peer reviewers. The budget increase requested for fiscal year 2001 has greatly reduced the number of meritorious research ideas doomed to rejection because of inadequate budgets. Nearly half of the increase in the fiscal year 2001 National Science Foundation budget proposal was designated for the core research programs of the foundation. This new funding would increase average grant size and duration as well as increasing the number of new awards. Inflation has reduced the relative value of National Science Foundation awards, thereby adding to the overhead burden placed on the academic research community. That is, researchers must generate multiple proposals to obtain adequate funding for their research projects.

If NSF were to be allowed to reach its goal of increasing average grant size to $108,000 and grant duration to 3 years, it estimates the savings in the cost of research proposal preparation alone would be $50 million. Of course, this is only a portion of the potential savings since it does not include reductions in the time for proposal reviews and the reduced cost to universities from administering these few grants.

Overall, the cuts from proposed funding levels in the bill will result in more than 4,000 fewer awards for state-of-the-art research and educational activities. This reduction will curtail investments in exciting, cutting-edge research initiatives, such as information technology, the nanoscale science and engineering, and environmental research. The effect will be to slow the development of new discoveries with immense potential to generate significant benefits to society.

The reduction in funding also translates into almost 18,000 fewer researchers, educators, and students supported by NSF support. This will have direct, and negative, effect on the shortages projected in the high-tech workforce. It will reduce the number of well-trained scientists and engineers needed for the Nation’s future.

Finally, I feel I must point out the inconsistency between the funding provided by the bill for NSF found to be the least expressed by many Members of this House. Inadequate support for NSF would lead to reduced development and widespread use of information technology.

In February the House passed H.R. 2086 by acclamation. This bill authorizes nearly $5 billion over four years among seven agencies for information technology research. NSF was the lead agency and the bill provided and was provided a major portion of the resources. H.R. 4635 cuts the requests for NSF’s part of this initiative by over $154 million, or by more than 20 percent.

The need for the major new investment in information technology research was advocated by the President’s Information Technology Advisory Committee. This committee stated that: “Unless immediate steps are taken to revitalize federal research in this critical area, we believe there will be a significant reduction in the rate of economic progress over the coming decades.” I regret that H.R. 4635 limits support for the research that will lead to breakthroughs in information technology, materials, environmental protection, and a host of technology dependent industries.

The economic growth that has been fueled by advances in basic research will be endangered because of the failure of this bill to provide adequate resources for the math, science, and engineering research and education activities of the National Science Foundation. This is shameful and irresponsible.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Mr. WALSH. Mr. Chairman, I think we need to point out, as the gentleman from New York (Mr. WALSH) has pointed out in previous remarks, that we have increased funding for veterans medical care by $1.3 billion. I may point out, it took a great deal of time and effort to realize what Members of this body, both Democrats and Republicans, have realized all along, that funding for veterans medical care must be increased, and we have done it. When we combine that with last year’s historic increase, this Congress will have provided $3 billion more for veterans medical care in the last 2 years. Mr. Chairman, we are keeping our promise. Unlike the President’s budget, all funds that are collected by the VA from third-party insurers and copayments will stay according to our budget within the VA system. The President’s budget proposed that the first $350 million collected as a result of changes under the Veterans Millennium Health Care Act signed into law and passed last year be returned to the Treasury, not to the Veterans Administration.

This bill requires that those outside collections be retained by the VA and to be used for improving veterans medical care. This is a responsible budget, because it better addresses also, Mr. Chairman, the growing and serious problem of hepatitis C among veterans.

According to the Centers for Disease Control, this disease, if untreated, can lead to chronic liver disease and even liver failure. The hepatitis C virus affects a disproportionately high number of veterans compared to the general population, particularly those with the Vietnam-Era part of our history.

In the fiscal year 2000 bill, Congress provided $190 million for testing and treatment of hepatitis C in our bill; the one under discussion today would increase that amount to $340 million. However, during our committee’s hearing with the VA in March, Secretary Togo West stated that the Department would be unable to spend all the fiscal year 2000 hepatitis C testing and treatment funds, because the demand was not there.

Frankly, too many of us on the committee, the committee’s Secretary statement was puzzling and, in fact, contrary to a great deal of known information about this health crisis from the CDC, as well as from the VA’s own data. In a 1-day random hepatitis screening done by the VA in March of 1999, it showed 6 percent of Veterans tested nationally that tested positive for hepatitis C virus compared to less than 2 percent of the general population. In my area, in New York and in New Jersey, the infection rate from that 1-day test was over 12 percent, twice the national average.

The numbers have not improved since then, but this budget increases money for hepatitis C testing. It increases money for medical care, and this is a budget that points us in the right direction.

Mr. MOLLOHAN. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we in the Congress are constantly debating what our priorities ought to be, and 2 weeks ago this House adopted legislation to eliminate the estate tax. And in doing that, we gave, in effect, $200 billion to around 400 families. But this bill gives all of the people of this country new hope. This was our judgment in this House. It was not a judgment I agreed with, but it was, nevertheless, the judgment of this House.

In this bill that is before us there is a rider that we will seek to strike, and that rider would prevent use of funds to pursue litigation against the tobacco industry. Well, some people think that if we get a judgment against the tobacco industry, that could bring in $300 billion to pay back the Federal Government for expenses due to the misconduct of that industry.

Mr. Chairman, well, if that rider does not get taken out of this bill and that lawsuit is stopped, in the course of a
couple of weeks we will have given $200 billion to 400 families by eliminating the estate tax, and we will refuse to bring in potentially $300 billion that can be used for veterans’ health, Indian health services, prescription drug benefits for the elderly, so many things where we are always saying we do not have the money to fund it.

The amendment that we are going to be offering with a number of our colleagues would strike that rider, and so there would be no misunderstanding about it. That amendment would provide that funds that would otherwise go into the account in the veterans’ health program for management and legal expenses would be used for pursuing litigation against the tobacco industry which would bring many, many, many times over that amount back to the veterans’ health program.

Specifically, we do not use any funds out of the veterans’ health program, but only funds allocated for legal expenses. That separate fund would be then allocated to pursue the lawsuit, and all of the veterans’ groups want that lawsuit to be pursued.

They know how important it is to get funds that are not enough to meet their needs into the veterans’ health priorities. We have explicit support from the Veterans of Foreign Wars, the AMVETS, the Disabled War Veterans, the Paralyzed War Veterans for our amendment; and all of the groups want this lawsuit to go forward.

Let me point out that if we strike this rider we not only have the support of the veterans’ organizations, but it will have no effect at all on the Medicaid settlement with the States or on retailers in this country. The only ones who are being sued are the manufacturers of tobacco products who for decades have mislead the American people and the veterans into starting to smoke and continuing to smoke.

They not only mislead about the dangers of cigarettes, they mislead them about the nicotine addiction; and they not only did that, they manipulated the nicotine levels to keep people smoking.

I would hope that when we get into the opportunity for amendments, that Members on both sides of the aisle will join us in striking that rider that would prohibit use of funds to recover money that can be used for veterans’ health care from the tobacco industry. It is only to the benefit of everyone that this amendment go forward, and we will hear more about it later.

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) has 30 seconds remaining; the gentleman from New York (Mr. WALSH) has the right to close.

Mr. MOLLOHAN. Mr. Chairman, we have, I think, many requests that would be more than 30 seconds; and, therefore, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, a couple of the Members from the other side of the aisle, the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), suggested the need for more NSF funding, the National Science Foundation. I agree. Yet one of the Members from your side of the aisle is suggesting that we take money, additional money out of NSF and put it into HUD.

Hopefully in this appropriation bill, before it is finished, we can find more money to accommodate basic research. Basic research in this country has been instrumental in creating products and increasing our competitive position. As chairman of the Subcommittee on Basic Research, I introduced H.R. 4500 that authorizes a 17 percent increase in NSF funding.

Let us not shortchange basic research that has served us so well. Let us make sure we do not take more money out of the NSF funding, and let us look for additional funding to help make sure that the basic research that has helped make this country great, that has been vital to increasing our productivity, continues as one of our priorities.

Mr. WALSH. Mr. Chairman, I have no further comments to make. I think we can conclude our general debate and move into amendments.

Mr. Chairman, I submit the following tables for the RECORD.
### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)  
(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2000</th>
<th>FY 2001</th>
<th>Bill vs. FY 2000</th>
<th>Bill vs. FY 2001</th>
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<tr>
<td>Enacted</td>
<td>Request</td>
<td>Budget</td>
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#### TITLE I  
**DEPARTMENT OF VETERANS AFFAIRS**

- **Veterans Benefits Administration**: 21,988,364  
  - Compensation and pensions: 21,988,364  
  - Readjustment benefits: 1,493,000  
  - Veterans insurance and indemnities: 1,003,000  
  - Veterans housing benefit program fund program account (limitation on direct loans): 1,094,000  
  - Veterans housing benefit program fund program account (administrative expenses): 8,000  
  - Education loan fund program account (limitation on direct loans): 196,461  
  - Vocational rehabilitation loans program account (limitation on direct loans): 50,000  
  - Administrative expenses: 97,922  
  - Guaranteed Transitional Housing Loans for Homeless Veterans program account: 48,250  
  - Total, Veterans Benefits Administration: 23,594,791

- **Medical Care**: 18,108,000  
  - Medical care (administrative expenses): 59,703  
  - Medical care (appropriations): 608,000  
  - Total Medical Care: 18,108,000

- **Subtotal**: 18,294,791

- **Medical care cost recovery collections**: 499,000  
  - Appropriations (limitation on direct loans): 96,000  
  - Total: 499,000

- **General and Administration**: 912,204  
  - General and administrative operating expenses: 912,204  
  - Total: 912,204

- **Total, Department of Veterans Administration**: 19,207,195

#### TITLE II  
**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- **Community Development Fund**
  - Bill: 33,946,629  
  - FY 2000: 34,015,400  
  - FY 2001: 34,015,400  
  - Total: 33,946,629

- **Housing and Urban Development**
  - Bill: 9,000,000  
  - FY 2000: 4,200,000  
  - FY 2001: 4,200,000  
  - Total: 9,000,000

- **Total Funding**: 11,178,695
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<th>Bill vs.</th>
<th>Bill vs.</th>
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DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued

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<td>DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4035) —Continued</td>
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<td>Transfer to Office of Inspector General</td>
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<td>(By transfer)</td>
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<td>Emergency funding</td>
<td>(2,469,426)</td>
<td>(2,099,220)</td>
<td>(500,000)</td>
<td>(2,469,426)</td>
<td>(2,469,426)</td>
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June 19, 2000
## DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635) — Continued
(Amounts in thousands)

<table>
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<tr>
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<td>Request</td>
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### General Services Administration
- Federal Consumer Information Center Fund: 2,022 6,832 7,122 +4,900 +300

### National Aeronautics and Space Administration
- Human space flight: 5,510,000 5,499,900 5,499,900 -11,000
- Science, aeronautics and technology: 5,696,700 5,695,400 5,695,400 -12,300
- Mission support: 2,515,100 2,584,000 2,584,000 +68,900
- Office of Inspector General: 20,000 22,000 23,000 +3,000 +1,000
- Total, NASA: 13,523,700 14,035,200 13,713,000 +50,800 +291,700

### National Credit Union Administration
- Reserves: 45,061 45,239 45,239 +1,978

### Community Development Credit Union Revolving Loan Fund
- Community development credit union revolving loan fund: 1,000 500 1,000 -100

### National Science Foundation
- Research and related activities:
  - Across the board reduction (5.36%): 7,056,000 7,350,000 7,350,000 +294,000 294,000

### Neighborhood Reinvestment Corporation
- Payment to the Neighborhood Reinvestment Corporation: 75,000 90,000 90,000 +15,000

### Selective Service System
- Salaries and expenses: 9,136,000 9,480,000 9,480,000 +354,000

### Other Provisions
- Protecting Presentation of Affordable Housing: 14,000 14,000

### Unfunded Obligations (1/4)
- Grand Total (1/4): 86,171,445 78,978,089 101,265,829 +2,761,508 8,875,000
- Current year, FY 2001: 54,717,845 50,471,469 70,999,000 +2,529,530 8,078,000
- Appropriations: 55,188,263 55,128,076 75,485,234 +1,377,168 8,049,000
- Rescissions: (2,674,473) (2,730,803) (2,543,329) (2,543,329)
- National Science Foundation:
  - Emergency funding: 0 2,282,390 2,282,390
  - Assistance appropriation, FY 2001/2002: 4,200,000 4,200,000 4,200,000
  - By transfer: (236,727) (236,727) (236,727)
  - Transfer (out): (103,061) (103,061) (103,061)
  - Limitation on administrative expenses: (103,061) (103,061) (103,061)
  - Limitation on direct loans: (103,061) (103,061) (103,061)
  - Limitation on guaranteed loans: (103,061) (103,061) (103,061)
  - Limitation on corporate funds: (356,992,000) (356,892,000) (356,217,000) (356,217,000) (1,000,000) (1,000,000)
- Total mandatory and discretionary: 62,877,918 70,486,359 101,080,836 +16,493,886 8,875,000
- Miscellaneous: 10,000

1/ FY 2000 & FY 2001 Request were part of Hazardous Substance Superfund account.
2/ FY 2000 & FY 2001 Request modified to reflect comparable new accounts in Dept of HH&S.
3/ OMB assigned request to authorizing committee.
Mr. SENSEN BRENNER. Mr. Chairman, as the House proceeds to consider H.R. 4635, the Veterans Affairs, Housing and Urban Development Appropriations Act for Fiscal Year 2001, I wish to highlight several features of this legislation that are important to our nation's science enterprise. I also will comment on EPA's reformulated gasoline mandate.

NATIONAL SCIENCE FOUNDATION

Concerning the National Science Foundation, I support funding at the requested level of $4.572 billion for fiscal year 2001. On May 17, 2000, I introduced H.R. 4485, the National Science Foundation Authorization Act of 2000. This bill authorizes programs at NSF not authorized by the Science Committee in previous legislation. Together with other authorization bills passed by the Committee—including H.R. 2086, the Networking and Information Technology Research and Development Act, and H.R. 1184, the National Earthquake Hazards Reduction Act—H.R. 4485 would boost NSF's FY 2000 request to about $4.6 billion, $54 million above the requested levels.

While it should be recognized that, with an increase of $167 million, NSF has fared comparatively well in the appropriations process, I would have preferred to see an increase in funding closer to the level requested, especially given the large increases planned for the National Institutes of Health (NIH).

Indeed, I think it is important that the role of NSF in providing the intellectual capital needed both for economic growth and biomedical research be more widely recognized. Today, we are in the midst of one of the Nation's longest economic expansions, an expansion that owes much to technological changes driven by the basic scientific research conducted 10 to 15 years ago. Many of today's new industries, which provide good, high paying jobs, can be linked directly to research supported by NSF.

Moreover, many of the breakthroughs in biomedical research have their underpinnings in research and technologies developed by investigators under NSF grants. The development of Magnetic Resonance Imaging is just one of many examples. We often lose sight of the fact that the ongoing revolution in medicine is as much a phenomenon of the physical and computational sciences as the biological sciences.

I do not begrudge the increased funding provided for NIH, but I think we could achieve a better balance between the biomedical fields and the other fields of science that contribute to our health and well being in ways that may not be readily apparent. The case for maintaining diversity in the federal research portfolio was made in the Science Policy Study, Unlocking Our Future, and I believe that, "it is important that the federal government fund basic research in a broad spectrum of scientific disciplines . . ., and resist over-emphasis in a particular area or areas relative to other." 1

If Congress continues to concentrate scientific effort in one area, I am concerned that important research in other areas may be given short shrift. Such a result could have serious consequences for future economic growth and biomedical breakthroughs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

While I am disappointed that H.R. 4635 does not include the Space Launch Initiative, I am pleased to note that the bill recommends $13.714 billion for NASA, an increase of $112.8 million over this fiscal year.

I especially commend the hard work of the Subcommittee and Committee leadership, and the Chairman, to ensure that NASA's programs and policy initiatives are sound and emphasize the pursuit of a broad range of space science. Among other notable issues cited in the accompanying committee report, I support the bill's recommendations to fully fund the Space Shuttle, Earth Sciences, and Space Station; to encourage use of the Shuttle for life and microgravity research missions; and to withhold funding for the proposed "Living With a Star" program until some of our questions about the program are adequately and fully answered.

As Members are aware, several important NASA programs have suffered some failures this year and the agency is appropriately reexamining its implementation of the concept of "faster, better, cheaper." Nevertheless, NASA must continue to pursue cost-savings measures as it designs and builds future space, but that it manage these plans with more agency oversight and with mission costs predicated on appropriate levels of risk.

Finally, I commend the Committee for insuring that NASA's aeronautics activities are properly targeted and that the agency not expend its limited budget on activities that more appropriately fall under the jurisdiction of other federal agencies. The Space Station and the X-33 continue to drag on NASA's ability to move our space program to the next level of achievement. The Administration made fundamental management errors, in the first instance by allowing Russia to bring station construction activities to a complete halt, and in the second instance by entering into a cooperative agreement with an industry partner without appropriate safeguards to protect the federal investment.

I understand the Chairman is committed to working with the Space Station to try and restore the Space Launch Initiative funds in the Conference Report. I look forward to working with the Chairman to accomplish that goal because I believe the program is important.

EPA'S REFORMULATED GASOLINE MANDATE

Under the Clean Air Act, the Environmental Protection Agency (EPA) mandated the sale of reformulated gasoline (RFG) to help reduce ozone levels in areas determined by the EPA to have high levels of ozone. At the time the original requirements were implemented in 1995, I had concerns about RFG's human and environmental health effects, cost, potential harm to engines, and about a possible drop in gas mileage. Numerous studies, including one by the EPA's own Blue Ribbon Panel, have shown my early skepticism to be well founded.

The Blue Ribbon Panel recommended the phase-out of MTBE, an RFG additive, because it has been identified as a potentially dangerous drinking water contaminant. Another study, by the National Research Council, concluded that the use of commonly available additives in RFG poses little, if any impact on improving air quality.

Now, following EPA's implementation of RFG Phase II requirements, gas prices in the Midwest in areas forced to comply with the new requirements are the highest in the nation. Despite the clear correlation between the areas in the Midwest forced to comply with the RFG mandate and those areas with exceptionally high gas prices, EPA has refused to accept even partial responsibility and has rejected opportunities to provide a solution to the problem. To-date, EPA has refused to grant even a temporary waiver from RFG enforcement despite repeated requests from state and federal officials gasoline consumers, and businesses in Wisconsin and Illinois. EPA has even refused to grant a waiver during the on-going FTC investigation into possible price gouging. Initial reports indicate the FTC's investigation could be lengthy, meaning a resolution to this costly ordeal may not be near.

EPA's lack of strong science to support the RFG mandate and refusal to accommodate the requests of the severely impacted communities is troubling. I continue to be extremely disappointed with EPA's actions on this issue.

Mr. LARSON. Mr. Chairman, the Fiscal Year 2001 VA–HUD Appropriations bill, H.R. 4635, which we are considering today is woefully inadequate and fails to address America's needs in housing, economic development, veterans, and science and technology programs. This is particularly distressing in these times of unprecedented prosperity and rising surpluses. Among many unacceptable funding provisions, the bill freezes funding for veterans medical research, cuts grants for construction of state veterans homes $30 million below the current year level, and provides $56 million less than requested to improve processing of applications for benefits.

The bill appropriates no funds for the 120,000 new housing assistance vouchers proposed by the Administration. Further, it cuts the Community Development Block Grant by $275 million below the current year level. And while it provides an increase for research at the National Science Foundation, it falls short of the President's requested increase of $508 million. The bill also fails to adequately provide for National Aeronautics and Space Administration's Science and Technology programs, which the bill underfunds by $323 million. These cuts I believe would jeopardize the future of our space research programs, including programs directed at solving problems here on earth, that are pushing forward the frontiers of knowledge about our universe.

Even more distressing, the bill only appropriates $300 million of the $2.9 billion requested by the Administration for the Federal Emergency Management Agency's Disaster Relief Fund, thereby jeopardizing FEMA's ability to respond quickly and adequately to natural disasters.

Finally, the bill once again seeks to completely eliminate the AmeriCorps National Service program. As a result a great number of important projects that foster involvement and learning in technology by children and adults and programs that bring technology to underserved populations and address weaknesses in our economy, will go unfunded. One of these is Project FIRST (Fostering Instrucational Reform Through Service and Technology Initiatives), whose role it is to increase
access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national nonprofit organization that is driven and staffed primarily with technologically proficient volunteers. However, these cuts ensure that TechCorps will not receive AmeriCorps/VISTA volunteers to bring this program to under-served, low-income communities.

Mr. Chairman, I believe the cuts in this bill would move America in the wrong direction. Despite our unprecedented economic prosperity, there are significant unmet needs in our nation's communities and in our science and research programs. This bill is part of the majority's strategy of financing tax cuts targeted to the well off by cutting domestic spending. We should not be placing the burden of our prosperity on the backs of the people who will suffer most from cutting programs that meet vital social needs, and to undertake the essential research and development that is fueling the magnificent growth achieved by the American economy and enjoyed by the American public in the last eight years.

We can do better, Mr. Chairman.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased to see that the Committee's bill includes $10 million to help bridge the Digital Divide in Indian Country. This funding will encourage Native Americans to pursue degrees in information technology and other science and technology fields and will build the capacity of tribally controlled community colleges—and their K–12 feeder schools—to offer high-quality science and technology classes.

According to the National Telecommunications and Information Administration (NTIA), poor rural Native Americans are being left behind when it comes to even the most basic telecommunications services. According to one NTIA study, 76% of rural households with incomes of less than $5,000 have phones, but only 46% of individuals at the same income level on tribal lands have a telephone connection.

Oklahoma is home to 37 federally-recognized tribal nations and to more than 254,000 tribal members. The Cherokee Nation, located in Tahlequah, is the second largest tribe in the United States, with 207,799 members.

That is why I appreciate funding of the $10 million tribal college technology program in the FY 2001 National Science Foundation budget. At this point, it is uncertain whether the Senate will also fund this critical initiative. I hope Congress will work to preserve funding for this important program as the FY 2001 VA–HUD appropriations bill moves forward so that Native Americans in Oklahoma and across America can get the education and training at tribally-controlled community colleges they need to compete and succeed in the New Economy.

Mr. KILDEE. Mr. Chairman, I rise in opposition to H.R. 4635, the FY 2001 VA–HUD appropriations bill. I want to express my concern that the bill provides zero increases for the HUD Indian housing programs. The budget provides $693 million for FY 2001, which is the same amount as the FY 2000 enacted level of $37 million, providing any funding for any of the new initiatives proposed by the administration.

The President requested $730 million for Indian housing programs, and the budget we are considering today slashes the President's request by $327 million.

Mr. Chairman, Native Americans continued to have the poorest housing in this country. The National American Indian Housing Council's fact sheet on Indian housing reveals that the poverty rate for rural Native Americans is 37 percent, a rate that is higher than any other racial/ethnic group:

- 49 percent of Native Americans in tribal areas live in overcrowded homes,
- 21 percent of homes in tribal areas are overcrowded, and
- 16.5 percent of Native American households in tribal areas are without complete plumbing.

With that kind of data supporting the need for more Federal funding for Indian housing, the Administration has not supported a bill that provides zero funding for the people that need the funding most. I urge my colleagues to oppose the FY 2001 VA–HUD appropriations bill.

Mr. MEEK of Florida. Mr. Chairman, despite the efforts of my Chairman, who did the level best he could with the subcommittee funding allocation that was given to him, there are numerous funding problems in this bill.

But I rise to express my concerns in particular about the lack of funding to help the poorest of the poor obtain decent housing.

We are living in the period of the greatest economic prosperity in our nation's history.

But even this economic boom has created a housing crisis for many Americans.

In its State of the Cities Report, HUD reported that serious housing problems are increasing at almost twice the rate of population growth. These are the people who pay more than a quarter of their incomes for housing, and the people who have no choice but to live in unsafe or substandard housing.

There are over 5 million families who pay more than 50%—half their income—on housing. This number is the highest in the nation's history, and unfortunately, the number continues to grow.

Worst-case housing needs have been three times as high for families with full-time wage earners than for other families, and particularly high for minority families.

Housing rental assistance is an important solution to the housing affordability problem. HUD's incremental vouchers help families to find homes—families that are currently homeless, living in substandard housing or paying more than half of their income in rent.

Vouchers work: the average waiting period for a Section 8 voucher is about two years. In virtually every urban area anywhere in the country, people making the minimum wage cannot afford even a medium priced apartment rental. Housing vouchers make that possible, and they do it using private sector housing.

Yet the bill does not fund the President's request for 120,000 additional incremental housing vouchers. In fact, despite its claims, it is debatable whether or not this bill will provide HUD with any new vouchers to help our families purchase and repair affordable housing.

The bill as written claims to allow HUD to provide up to 20,000 additional vouchers.

But this is just "funny math," or "creative accounting" because these additional vouchers are only funded in the bill through overly rosy and optimistic estimates of recaptures of unused Section 8 funds.

HUD will only have these vouchers available if the Department recaptures more funds than the amount that HUD itself says can be recaptured.

HUD does not even expect these recaptured funds to be available.

We would never treat rich people this way; you can bet they get hard cash to meet their needs. Yet poor families are shunted aside with a promise that may not even pan out.

I oppose the provision of additional incremental housing vouchers means that families will have to continue to live in substandard housing or pay excessive portions of family income toward rent.

Mr. Chairman, I agree that HUD needs to spend the funds it has recaptured. I understand HUD has recaptured all the funding it legally can and is taking additional steps to increase voucher utilization. For example:

HUD is instituting a Section 8 management assessment program to identify poor performers.

The Department is providing for the transfer of unused funds to a public housing agency that can use them right away.

HUD has also proposed the use of a voucher success fund in rental markets where public funding agencies are not fully using available funds.

Denying incremental vouchers denies families opportunities for safe, decent housing and affordable housing.

What this bill does is punish the majority of public housing authorities—that are providing technical assistance to families and need more vouchers—because a few public housing agencies have performed poorly.

If funding for the President's proposed additional 120,000 incremental vouchers is not provided, there is a very real danger that this funding will never be made up in subsequent appropriations.

Mr. Chairman, the only way that this bill can be repaired is for the House leadership to provide the additional needed funding.

It makes no sense to underwater such an important bill when the nation is running record budget surpluses and the needs of the poor in this country are unmet.

Mr. BERETTER. Mr. Chairman, this Member rises today to express his support for H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act for fiscal year 2001. First, this Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLCHAN) and all members of the Subcommittee for the work they did under the tight $302(b) allocation.

This Member would like to focus his remarks on the following four areas: Housing, Community Development—Community...
Development Block Grant (CDBG), America’s Private Investment Companies (APICs) and the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) on repetitive loss.

HOUSING

First, this Member would like to comment favorably upon the treatment of the Section 8 and Section 202 programs, which were funded as adequately as we can under the budgetary restraints. The Subcommittee correctly recognizes the demographic shift to a more aging population with the funding for Section 8 contract renewals.

In addition, this Member commends the $6 million appropriation for the Section 184, American Indian Housing Loan Guarantee Program, which this Member created in consultation with a range of Indian Housing specialists. This seems to be an excellent new program which this Member says without appropriate community and recognition of his colleagues support, is providing privately financed homes through a government guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land. The above appropriation is supposed $4.5 million guarantees totaling $72 million which should assist an estimated 20,000 families.

Moreover, this Member would like to specifically comment the Subcommittee for reducing duplicative efforts of the Federal Government in rural housing and economic development. After a funding level of $25 million in fiscal year 2000 for rural housing and economic development efforts in HUD, the Subcommittee appropriated $20 million for fiscal year 2001 for HUD’s rural housing and economic development efforts. This Member would prefer that no money is appropriated for HUD for this purpose.

In fact, this Member testified before the VA, HUD and Independent Agencies Appropriations Subcommittee in opposition to HUD’s duplicative efforts in rural housing and economic development. In the past, the United States Department of Agriculture (USDA) through their Rural Development offices has successfully implemented numerous rural housing and economic development programs. As a result, this Member disagrees with HUD’s efforts to duplicate USDA Rural Development staff.

Second, this Member would like to emphasize a concern over the VA, HUD and Independent Agencies Appropriations bill which in large part results from budgetary restraints. The Community Development Fund, which includes the CDBG program, is supposed $4.5 billion, which is $24 billion less than the fiscal year 2000 level. This reduction is of deep concern to this Member. The CDBG program has been a model of local-Federal partnership.

The CDBG program not only is valuable to the larger entitlement cities, it gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy. Moreover, CDBG has provided in-APICs

Third, this Member does applaud the Subcommittee for providing no new budget authority to HUD for the APIC program. APICs would be companies which are licensed by the Department of Housing and Urban Development (HUD) pursuant to a national competition for venture capital firms. Currently, HUD does not have the proper capability to administer APIC. To illustrate this, the Inspector General has labeled HUD a “troubled agency.” Rather than focusing on new initiatives like APIC, HUD should focus on its existing projects.

NFIP RETROPATIVE LOSS

Lastly, this Member supports the language included in the appropriations measure which provides FEMA with up to $50 million to be obligated for pre-disaster mitigation activities and reserve funds following disaster declarations. This Member believes that this appropriation is just a first step in eliminating repetitive loss under the National Flood Insurance Program (NFIP) administered by FEMA. In fact, this Member has introduced a measure, H.R. 2728, Two-Floods-and-You-are-Out-of-the-Taxpayer’s-Pocket Act, which authorizes FEMA to offer buy-outs to repetitive loss properties and to increase the NFIP rates to actuarial for those properties who refuse a publicly funded mitigation offer.

Because of the necessity to fund important housing and development programs, this Member would encourage his colleagues to support H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act.

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

The CHAIRMAN. All time for general debate has expired.

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

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

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

The Clerk will read.

The Clerk read as follows:

H. R. 4635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 1114, 1131, 1132, 1133, 1134, 1135, 1136, 1151, 1154, 1155, 1158, and 1159); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61); burial benefits and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1112, 1117, and 2106; chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $22,766,276,000, to remain available until expended: Provided, That not to exceed $37,419,000 of the amount appropriated shall be reimbursed to “General operating expenses” and “Medical care” for necessary expenses in implementing those provisions authorized in the Federal Budget Reconciliation Act of 1990, and in the Veterans’ Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided in Title II, “Compensation and pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,664,000,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

AMENDMENT NO. 21 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. Filner: Page 5, after line 21, insert the following: In addition, for “Readjustment Benefits”, $900,000,000 for enhanced educational assistance under chapter 30 of title 38, United States Code (the Montgomery GI Bill), in accordance with the provisions of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided, That the Congress hereby designates the entire such amount as an emergency requirement of the annual Budget:

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman’s amendment.
The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mr. FILNER. Mr. Chairman, I thank the Chair for his courtesy in hearing this amendment.

I have a series of amendments, Mr. Chairman, that speak to the former statement or the comments of the gentleman from New York (Chairman WALSH) to the notion that we are not falling behind, the gentleman says, in our commitment to our Nation’s veterans.

It is true that in the last 2 years we have upgraded our spending over the previous year, but that was after a decade or more of flatline budgets. We have not caught up. I ask the gentleman from New York (Mr. WALSH) to visit cemeteries around this country, which are overgrowing. I ask the gentleman from New York (Mr. WALSH) to sit for months and months with our veterans who must wait for doctors’ appointments, who must wait for years to get their disability claims adjudicated, who are trying to go to college; and that is the nature of the amendment I have before us today.

Mr. Chairman, in 1981, the education benefit to our veterans which allowed them to go to college was $493 a month. 20 years later, with incredible soaring costs of education and associated expenses, we are paying only $20 more per month.

I ask the gentleman from New York (Mr. WALSH) is that not falling behind? Here we have an amendment to catch up, to make sure that the Montgomery GI bill named after our former Member and great chair of the Committee on Veterans’ Affairs, that the goal of the Montgomery GI bill, to provide meaningful benefits to our nation’s discharged Members, while also giving military recruiters an effective tool to support the concept of an all volunteer force.

My amendment will allow us to meet these goals because today this bill is not accomplishing any one of them. We are not providing a benefit that will help our retention and recruitment. We are not providing a readjustment benefit. We are not honoring the sacrifice of our veterans.

My amendment would provide $900 million in additional funding for enhanced educational assistance. This number, Mr. Chairman, is important to explain how it was arrived at.

All the Members of the Committee on Veterans’ Affairs applauded when the so-called transition commission reported its findings to our committee. That commission said that the Montgomery GI bill benefit should provide for the full costs of college education and its associated expenses for our veterans. Then we would have a recruiting tool to help our Nation’s armed forces. In fact, that notion was embodied in H.R. 1071, the Evans-Dingell bill, which would pay for those full costs, in addition to a stipend of $600 a month.

The point is, Mr. Chairman, that with the gentleman from Arizona (Mr. STUMP), also introduced a bill, H.R. 1182, which would pay for 90 percent of those costs. When we realized that the budget could not provide for that in the short run, a coalition across this Nation of veterans’ organizations and higher educational institutions came together and came up with a compromise to say, let us at least provide at the beginning for the average costs of attending a 4-year public school college as a commuter student. That number would come to $975 a month this year for full-time study.

The gentleman from Mississippi (Mr. SHOWS) introduced that bill as H.R. 4334. It has the full backing of veterans’ organizations, who said, all across this Nation, and in accord with that H.R. 4334 would provide all veterans and service members with an opportunity to get a good college education while taking into account the realistic costs of today. Let us not forget that it is largely thanks to our veterans that the rest of us are able to be safe and sound at home enjoying this prosperity. We ought to have the opportunity to give them the opportunity to continue their education.

Mr. Chairman, I urge the committee to accept this amendment. The committee would not put this before our Members for a vote following the tradition of many parts of this bill, which have items that are not authorized. I would ask for this committee now to accept this amendment.

Mr. Chairman, I include in the RECORD the statements of various meaningful benefits, including the Veterans of Foreign Wars, the AMVETS, the Noncommissioned Officers Association, the Blinded Veterans of America, in support of this amendment. They all have weighed in, and I include that in the RECORD.

Non Commissioned Officers Association of the United States of America,

LARRY D. RHEA,
Director of Legislative Affairs.

Hon. Bob Filner,
Rayburn House Office Building, House of Representatives, Washington, DC.

Dear Mr. Filner: The Noncommissioned Officers Association of the USA (NCOA) is writing to state its strong, wholehearted support for your amendment to H.R. 4334, the Fiscal Year 2003 VA-HUD Appropriations Act, that would provide enhanced readjustment educational assistance under the Montgomery GI Bill. Although the House of Representatives recently approved a modest increase to the basic monthly stipend, even when fully implemented the increase approved will still only equate to about 60% of the cost of attending a public, four-year college.

The military services are in the throes of a recruiting and retention crisis that is nearly impossible to surmount. Recruiting is at its lowest since the all-volunteer force began, even though enlistment requirements have declined by thirty-three percent. Sixty-five percent of high school graduates go on to post-secondary education and each year 16 of one hundred youth are available as military prospects.

Prospective enlists are rated assistance with education to be the number one attraction of military service for several decades. That, however, is no longer the case. Prospective enlistees and veterans observe and realize the emphasis Congress has placed on higher education by providing more attractive and richer education programs without the sacrifice of risk associated with service. This realization inevitably results in a negative message to prospective recruits that compounds the bad image which now prevails about military service being an obstacle to a rewarding and productive life— not a means to it.

One comparison dramatically illustrates the need for your amendment. The basic benefit program of the Vietnam Era GI Bill provided $493 per month in 1981 to a veteran with a spouse and two children; however, two decades later, a veteran in identical circumstance receives only $43 more. One other comparison illustrates how Congress is sending precisely the wrong message on the need for high quality educational programs that our warriors who go in harms way will receive a total benefit of $19,296 but only after paying $200 to establish eligibility (many of who qualify for food stamps because of inadequate military pay). This is morally wrong. At a time when military recruitment is difficult and retention is declining, this is also shortsighted public policy.

NCOA firmly believes it is a fundamental responsibility of any great society to honor and help those who accept the disruption and sacrifices that military service brings. The Association also believes that the programs and services, including the educational assistance programs, offered to those who defend our country must be at least comparable with the programs that are offered to those who do not. When Congress considers education policy, the starting point should be the veteran education benefit but then go beyond. By Congress’ inattention to a program that is arguably the most important recruitment and retention tool available, Congress has devolved military service and we are witnessing the consequences today. It will take a strong message to reverse course and your amendment is right on target.

An unprecedented partnership of 50 military, veterans and higher education associations endorsed H.R. 4334, The Veterans Higher Education Opportunities Act, upon which your amendment is based. That legislation and your amendment simply says: Individuals who volunteer for and honorably serve in the Nation’s uniformed services shall be provided an education benefit equal to the average cost of a commuter student at a public four-year institution of higher learning. For those who have provided for our peace, security and prosperity in an “average” education benefit is reasonable and doable.

The Non Commissioned Officers Association supports this amendment and urge your colleagues to do likewise and help restore the veteran education benefit to the pre-eminence it should occupy in our society.

Sincerely,

LARRY D. RHEA,
Director of Legislative Affairs.
The CHAIRMAN. Does the gentleman from New York (Mr. Walsh) insist on his point of order?

Mr. WALSCH. Mr. Chairman, yes, I do. Mr. Chairman, I make a point of order against the amendment because it clearly proposes legislating on an appropriations bill which violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, I, have a parliamentary inquiry.

Mr. WALSCH. Mr. Chairman, I would just ask the Chair if there are not dozens of programs in this bill that are not authorized by this House?

The CHAIRMAN. Will the gentleman repeat his request?

Mr. WALSCH. Mr. Chairman, I would like to know if this bill before us, upon which a point of order has been raised because the program is not authorized, even though I see it as an emergency item for our veterans, is it not true that there are dozens of other programs in this bill that are also not authorized by this committee or this House?

The CHAIRMAN. A waiver of potential objections to other portions of the bill is not pertinent to the discussion before us.

The Chair is willing and ready to hear arguments on the pending point of order.

Mr. WALSCH. I understand the Chair, but I would argue that a waiver is very pertinent. That is, this House can choose to protect certain programs from a point of order and can choose not to.

I would ask the Chairman of this committee to not raise this point of order, as he has asked the Committee on Rules to waive points of order on dozens and dozens of other programs to provide a basic level of college education to those who have sacrificed for this Nation. It seems to be worthy of a waiver in this case, I would ask the Chairman to so do.

Mr. WALSCH. Mr. Chairman, in order to challenge the ruling of the Chair?

The CHAIRMAN. The Chair is prepared to rule. The amendment proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures in law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Mr. WALSCH. Mr. Chairman, is it in order to challenge the ruling of the Chair?

Mr. WALSCH. Mr. Chairman, based on the precedent that there are dozens of other points of order waived in this rule, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?
The question was taken; and the Chairman announced that the ayes appeared to have it.

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

Mr. Chairman, I do so in order to express my strong opposition to the very inadequate funding levels for housing and community development in this bill.

This bill continues a very regrettable practice of the majority party to underfund housing programs, with the hope that Congressional Democrats and the administration will go to conference and insist in conference on more realistic funding levels.

This year's House bill is no different. The bill is $2.5 billion lower than the administration's request; and, with the exception of the illusory section 8 increases, every program is flat funded or cut.

In response to the 5.3 million households with worst case housing needs, some 12.5 million Americans, including millions of seniors, this bill ignores the administration's request for 120,000 incremental vouchers. It holds out the administration's request for 120,000 incremental vouchers, but is simply an illusion of higher funding. I will insert into the Record a very detailed statement explaining this phenomenon.

Mr. Chairman, 5 years ago, the majority party's first act was to cut the housing budget by 24 percent. We have been playing catchup ever since, in spite of the efforts of Democrats to beef up funding to meet needs.

In the wake of an historic bipartisan agreement on new markets and community development as the primary source of the funding for the community development program, including a $275 million CDBG cut, a 20 percent Brownfields cut, and no funding for APIC and empowerment zones.

In response to the growing problem of predatory lending, the bill flat funds housing counseling, a program which helps first time and existing home buyers cope with home ownership challenges.

Finally, the bill undermines the progress HUD is making in its 2030 management reform plan. Specifically, the bill requires termination of the HUD Community Builder staff, which provides outreach for HUD programs, it threatens termination of contractors hired to inspect section 8 assisted housing, and reduces HUD's staffing levels below the already reduced target levels in this plan.

Now, we can wait for a conference to fix a grossly deficient bill, but the right approach is for the House to fix it here and, if we cannot fix it in this bill, to oppose the bill.

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

The VA–HUD bill for fiscal year 2001 produced by House Republicans continues a trend over the last few years of providing inadequate funding levels for housing and community development programs, with a wink and a nod that the shortfall will be addressed in conference.

Overall, the VA–HUD bill provides $2.5 billion less than the Administration's FY 2001 budget. With the exception of illusory increases in the Section 8 account, not a single program receives a funding increase; many receive major cuts. The bill continues to ignore critical needs in affordable housing, community development, and homelessness prevention.

For this, I do not blame the Chairman of the VA–HUD Appropriations Subcommittee, who has strived mightily to do the best he can with a clearly inadequate funding allocation. The real problem rests with the leadership of the majority party, which continues to cling to the fiction that their budget resolution provides adequate levels of discretionary spending—both overall and for housing. They know they will be bailed out in the end by Congressional Democrats and the Administration, who will insist in conference on more realistic funding levels—at least as long as we have this Administration in the White House.

What is disturbing in recent years is the tendency to underfund housing programs in the House VA–HUD bill, but to cite arbitrary increases in budget authority to claim publicly that no one should complain about the bill's inadequacy because, after all, funding is "increased" by billions of dollars for HUD programs.

The bill before us today is a good example of this. Proponents of the legislation point to the fact that budget authority for HUD programs, funded in Title 2, is $4.1 billion higher than the total approved last fiscal year. While technically true, such "increases" are illusory. They do not expand programs, improve services, or increase the number of people served. The major source of these non-discretionary increases relates to the expiration of long-term Section 8 contracts. Decades ago, Congress approved rental assistance for project-based Section 8 housing under multi-decade contracts, with the estimated multi-year costs completely funded in year one. As a result, no additional budget authority has been needed in each of the years of the long-term contract to continue to pay rental subsidies to the tenants in such project-based housing.

However, when these long term contracts expire and are renewed, Congress must for the first time in decades appropriate budget authority for the first year renewal cost of these rental subsidies. The result is a significant increase in budget authority (from zero to the annual cost) for all expiring contracts in any given year. Yet, the effect on budget outlays is negligible, since the impact on the tenant is zero. The so-called budget authority "increase" is simply illusory.

The majority party acknowledged this in 1997, during consideration of the 1997 bi-partisan balanced budget bill. At the time, we were just entering a period in which we anticipated an explosion of these expiring HUD contracts. As a result, budgeteers anticipated annual increases in required budget authority of several billion dollars a year. And, the majority party promised to build in these automatically budget increases into their discretionary spending baseline. Moreover, when Section 8 reserves and recaptures occurred over the last few years, HUD proposed to use this excess budget authority to soften the impact of the anticipated increases caused by expirations. Instead, the majority party has repeatedly rescinded these Section 8 funds, in order to offset non-housing programs. When Democrats complained, we were assured that HUD would be made whole.

Yet, in recent years, the majority party appears to be trying to mask the inadequate funding levels for housing and community development by claiming not to see any increase in budget authority increases caused by the expiration of Section 8 contracts. This year is no different. Approximately $3 billion in increases in Section 8 budget authority relate to expiring contracts.

To be fair—to be consistent with what was promised in the 1997 budget bill and subsequent recission bills—we should refrain from characterizing these as "increases" in housing funding.

Moreover, there are other factors that contribute to the illusion that funding for housing is going up this year. For example, in FY 2000, we had over $1 billion in one-time reductions in HUD budget authority, relating to Section 8 recaptures, rescissions, and FHA provisions which are not expected to occur in FY 2001. The effect is the same as the Section 8 contract expiration phenomenon—the appearance of an increase in funding, but no corresponding benefit to housing programs, services, or low-income individuals assisted.

Finally, we have some $300 million in "increases" in this year's VA–HUD bill which are at heart mere accounting changes for administrative expenses and costs in FHA and GNMA. In effect, the HUD target is taking a hit for allocations for costs in programs

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which, under the mandatory side of the budget, account for billions of dollars in profits to the federal taxpayers. In any event, this does not produce additional housing or housing services.

What is left, out of the billions in gross budget authority increases for housing in the bill before us today, is a few hundred million dollars in increased Section 8 costs for inflation adjustments for Section 8 tenants. In contrast, every other housing program is either flat funded at last year’s levels or receives cuts. And, virtually every program is underfunded compared to need.

5.3 million households (12.5 million Americans, including millions of senior citizens) have “worst case housing needs”—that is, they pay more than 50% of their income for rent or live in severely substandard housing. The average waiting period for a Section 8 voucher or public housing unit is over two years. In six years ago, nationwide, a minimum wage does not provide adequate income to afford a median period apartment rental.

In response to this crisis the majority party in 1995 rescinded the 62,000 incremental Section 8 rental vouchers funded by Democrats in the year before. The pattern since then is clear: the Administration proposes incremental vouchers, and the majority party ignores that request in the House VA-HUD bill. This year is no different. In response to the Administration’s proposal for 120,000 incremental vouchers, the bill holds out the mere possibility of 20,000 vouchers—contingent on overly optimistic Section 8 recapture levels, and therefore unlikely to materialize.

The majority justifies this inaction by blaming HUD for what it characterizes as unacceptably low voucher utilization rates. This criticism is not valid. A major cause for less than 100% utilization rates is the normal down time for Section 8 recipients to find housing opportunities—a particularly severe problem in low vacancy areas. To the extent that some housing authorities are not doing a good job in putting voucher out, the problem lies with them, not with HUD. Moreover, these concerns do not justify ignoring the tremendous unmet rental subsidy need.

According to the Urban Institute, on any single night, 42,000 Americans are homeless, and at some point during the year 3.5 million Americans are homeless. Many homeless are working poor. Yet, the VA-HUD bill does not increase funding for homeless prevention programs, leaving funding 21% lower in real terms than six years ago, the last time Democrats controlled Congress.

As our population ages, and as rents escalate at a faster rate than fixed incomes and inflation, the problem of housing affordability for seniors continues to grow. Yet, the VA-HUD bill flat funds elderly housing—leaving it 53% lower in real terms than the level of six years ago. When Democrats offered an amendment to increase elderly housing by $69 million up to the President’s level, an amendment fully paid for by FHA program changes, the majority voted no on a party line vote.

Public housing units face a multi-billion dollar backlog of repair needs. Yet, the bill cuts public housing funding by $120 million, compared to last year’s bill. The bill’s proposed level is 27% lower in real terms than the level of six years ago.

The bill that the President recently announced New Markets Initiative agreement with Speaker GATSHT, by cutting every community development program, including a $275 million cut from last year’s level for CDBG; a $44 million cut in CDBG Section 108 loan authority; zero funding for Empowerment Zones: zero funding for APIC loan guarantees (part of the New Markets Initiative); and a 20% cut in funding for Brownfields Redevelopment.

The bill cuts the HOME program, which funds low down payment homeownership programs and affordable housing construction. And, the bill ignores HUD’s request for a $9 million increase in housing counseling, leaving funding down 70% compared to six years ago. Counseling is an important tool in fighting the growing problem of predatory lending.

Finally, the bill undermines the progress HUD is making in its Management Reform plan. Specifically, the bill requires termination of the HUD Community Builder staff which provides outreach for HUD programs, threatens termination of contractors hired to inspect Section 8 assisted housing, and reduces HUD staffing levels below the already reduced target levels in this plan.

I am particularly baffled by the majority’s decision to completely eliminate the Community Builder program at HUD. This program is an important component of HUD’s consolidation plan. The purpose is to have a staff of professionals whose sole job is to provide community outreach for and assistance with HUD programs. The purpose is to separate this function from program management and oversight functions.

Last year, the Appropriations Committee expressed its concern about the “External Community Builders” program, especially with respect to the way these personnel were hired. Last year’s bill required the termination of the external community builder program, and prohibited HUD from rehiring these individuals except through non-hiring service procedures. The bill clearly did not require or even hint at the termination of the internal community builder program. In fact, there was language indicating how the program should continue to be managed.

Now, the majority is reversing itself by eliminating the community builder program entirely, and mandating the firing of all community builders—even those hired years ago and unaffected by last year’s policy. There are a number of reasons why this is wrong.

First, elimination of the Community Builder program at HUD will not be able to keep open some of their smaller field offices. Without the multi-disciplinary background of community builders, the choice will in many cases be between closing a field office or bringing in a larger number of personnel to cover the various program areas—personnel which are not available in a downsized HUD. Inevitable, some smaller field offices will be closed.

Second, it is bad policy to undermine a program designed to make HUD more responsive and accountable to the public. This is a major setback to HUD’s management reforms. HUD will lose its staff that is experienced in these functions, and will be forced to totally reorganize its staffing structure, to the point where individuals go back to mixing program management and outreach responsibilities.

The bill before us today, in my view, implies that HUD has failed to follow last year’s policy directives. In fact, all external community builders are being terminated. No one is either slated back into HUD directly or even given a preference because of their role as external community builders. And, the GS level replacement hires are on average significantly below the levels of the former external community builders.

I am also baffled why funding for “Contract Administrators” is made contingent on achieving unrealistic levels of Section 8 recaptures. This line item pays for the hiring of independent contractors which perform physical inspections of HUD-assisted project-based housing.

Last year, the Housing Subcommittee held a hearing in which the GAO testified about the level of progress HUD is making in its management reforms. Yet, one of their principal concerns that GAO cited about HUD was that it did not have a good handle on its Section 8 project-based stock. Therefore, it makes no sense, as this bill does, to make funding for this program—Section 8—contingent on unrealistic Section 8 recapture levels.

You can’t have it both ways—criticizing HUD for its oversight, then robbing HUD of the tools it needs for this oversight.

In closing, I urge members not to overlook the housing funding inadequacies in this bill, simply because budget authority is going up, or because we have vague promises that “things will be taken care of in conference.”

Five years ago, the majority party cut the HUD budget by 24%. Housing funding has struggled to catch up ever since. This bill does not address the 5.3 million American households with “worst case housing needs.” This bill does not address the 842,000 Americans that are homeless on any given night. This bill does not address the need to expand our strong economic growth to all communities and individuals.

We can and should do better.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed housing loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $161,884,000, transferred to and merged with the appropriation for “General operating expenses”.

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For the cost of direct loans, $1,000, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $322,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter V, as amended: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, as amended: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,276,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $322,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

VETERANS HEALTH ADMINISTRATION MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and maintenance of facilities within jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repair, alteration, improvement, or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 38 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting the amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., plus reimbursement: Provided, That of the funds made available under this heading, not more than $3,000,000,000 may be used for the operation and maintenance of facilities: Provided further, That of the funds made available under this heading, not more than $927,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to certain grants and contracts for public health services contracts with respect to payments for hospital care and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such authority, shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of modifying such loans, a pro rata share of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso to be deposited in a designated health care region (as that term is defined in 38 U.S.C. 1729(a)(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund (hereinafter referred to as such Fund pursuant to 38 U.S.C. 1729A) may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 9, line 3, before the period insert the following: “except for the funds for the administrative and legal expenses of the Department of Veterans Affairs for collecting refunds and recovering amounts owed the United States as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).”

Mr. WAXMAN. Mr. Chairman, I am offering this amendment along with the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans Affairs, the gentleman from Utah (Mr. HANSEN) and the gentleman from Massachusetts (Mr. MEEHAN), who are the co-chairs of the House Caucus on Tobacco and Health, and the gentlewoman from Michigan (Ms. STABENOW). It amends a rider in the bill that would have the effect of blocking the Justice Department’s lawsuit against the tobacco industry.

Tobacco use may be the single greatest threat to public health in the United States. It kills hundreds of thousands of Americans every year. It is a particular threat to children, who are bombarded by slick advertisements inducing them to smoke, and to veterans, who often become addicted to nicotine while in the service.

With the magnitude of the health threat, Congress’ record on tobacco has been absolutely abysmal. In 1998, I reached across party lines to reach an agreement with the gentleman from Virginia (Mr. BLILLEY), the chairman of the Committee on Commerce, on how to regulate tobacco. This was an historic agreement among the gentleman from Virginia (Mr. BLILLEY) and I had long been opposed to each other on tobacco issues. Our agreement addressed many of the most contentious tobacco issues, including FDA regulations, environmental tobacco smoke and reducing youth smoking. But the leadership did not even allow a vote on the floor on our bipartisan proposal.

Since then, Congress has done very little to protect children and public health from tobacco. When the Supreme Court struck down the FDA regulation of tobacco earlier this year, the court invited Congress to act, calling tobacco use “perhaps the single most significant threat to public health in the United States.”

But Congress has not even held a single day of hearings on FDA jurisdiction, and today we are considering legislation that would actually shield the tobacco companies from Federal liability. This most likely will be the only legislation in which we will consider on the House floor dealing with tobacco.

Mr. Chairman, tucked away in this bill is a rider that is worth hundreds of billions of dollars to the tobacco industry. This rider protects the tobacco industry at the expense of health care for our veterans and the well-being of our children.

Last fall, the Justice Department filed the suit against the tobacco industry. The suit alleges that decades of deceit by the tobacco industry have caused Federal taxpayers to spend billions paying for tobacco-related illness. The suit seeks recovery of those funds, as well as injunctive relief, to stop the companies from marketing to children and engaging in other deceptive and illegal practices.

This lawsuit is good for the American taxpayer, who spend over $25 billion a year to treat tobacco-related illnesses. Recovery of Medicare funds would be contained into the Medicare Trust Fund, thus adding years to Medicare’s solvency.

This lawsuit is also good for veterans. Currently the VA spends over $1
Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, my colleague alleges that this bill stops the tobacco lawsuit, that what we have done in this bill stops the tobacco lawsuit. That is not true. I can assure the House that the VA-HUD bill does not have jurisdiction over the Department of Justice nor its priorities. Nothing in this bill prohibits the Administration or the Department of Justice from moving forward with the lawsuit.

One of the problems with these politically motivated debates is that individual's motivations are questioned. Mr. Chairman, I do not smoke; I did. I realized it was bad for my health, so I quit about 25 years ago. I hope every American comes to that realization themselves. Those who would support the(subcommittee's position here would be accused of being sold out to the tobacco industry. Well, again, questions these very little to dignify the debate. But I would state for the record that I have never accepted tobacco contributions.

We are trying to craft a bill here that provides resources for our veterans. We have heard Member after Member, one after another, come up and say we are not putting enough money in for veterans' medical care, one after another. We are doing our level best to fund veterans' medical care. We put in $1.7 billion last year, $1.35 billion this year; and people still say it is not enough.

If this lawsuit started to draw down veterans' medical care funds, and that is what this does, regardless of what the gentleman from Wisconsin said, the subcommittee's position here would be accused of being sold out to the tobacco industry. Well, again, questions these very little to dignify the debate. But I would state for the record that I have never accepted tobacco contributions.

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ting our minds. Now, I know that we will hear people say 'oh, we are going to take money away from veterans' health care and use it to fund this suit, and it is just going to go into the pockets of the lawyers.' The fact is that I offered seven amendments in one session alone, trying to get the majority party to increase funding for veterans' health care, and they turned them all down and they did that 2 years in a row. I would suggest now, to say that the veterans' department, which has the potential to gain hundreds of millions of dollars in additional revenue for veterans, for the treatment of their problems, to say that they cannot try to do that by expending $4 million out of their own funds to pursue this case on behalf of every veteran and on behalf of the taxpayers is ludicrous, at best.

Mr. Chairman, I would simply point out also that if one checks the facts about litigation only enriching lawyers, the administration has indicated that the department has not engaged any lawyer on a contingency-fee basis. They did engage one firm on a limited arrangement on terms that were favorable to the Government. Under that contract, which ran for 3 months, the firm provided assistance to the Department at a reduced rate of $75 per hour, well below normal billing fees. The payment for services to that firm total less than $80,000.

So we should not kid ourselves. Every time we hear somebody say, this is not about tobacco, remember, it is about tobacco, and it is about lying, and it is about whether or not we will defend the taxpayers' interests to recoup the billions of dollars that have been spent. It is about meeting our responsibilities to see to it that the taxpayer is not stuck with the cost of providing health care to veterans and other folks in this society because the tobacco companies lied and caused billions of dollars' worth of damage in the process.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentlelady yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we promised the veterans a couple of years ago when we took away money for their disability based on tobacco smoking and all of the illnesses that resulted from it, that we would pursue this litigation and get back into the veterans affairs department and use it fully to fund that program because of the deception add bad-doing, fraudulent actions of the tobacco companies. After years of deceit and deception, it is right to hold the tobacco companies accountable for their false promises, misinformation, suppression of knowledge about the health risks of tobacco.

This rider would stop the litigation. The Attorney General, Janet Reno, today, in a press conference, announced that if this rider goes through, prohibiting the transfer of funds, she will not have the ability to pursue this litigation; she would have to drop the lawsuit.

We are not, and I want to emphasize this, because there seems to be some misunderstanding even on the part of the chairman of the subcommittee about our amendment. We are not transferring money from veterans' health care, but only from the veterans' health care fund for litigation, not medical expenses and legal fees. What more appropriate use of those funds would there be than to go against the tobacco companies to recover money for the veterans' health program and to keep our promise to the veterans that we would not let the money put into veterans' health to make up for that which we took away from them over the years, just 2 years ago and to make up for the deceptions that the American Government placed on veterans when we encouraged them to start smoking in the past, which caused so much of the death, disability, and illness for which we could now get recovery from the tobacco industry. I thank the gentleman for yielding.

Mr. OBEY. I would simply say that to suggest that the veterans are getting a bad deal by asking that $4 million be spent on this suit when we can get back hundreds of millions of dollars in return is patently preposterous on its face.

Mr. EVANS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to support this amendment by our colleague from California, because it simply allows the wheels of justice to move forward.

Mr. Chairman, there is something terribly wrong with the leadership of this body. During the last Congress, despite overwhelming facts to the contrary, the leadership effectively denied veterans the opportunity to seek legitimate compensation from the Department of Veterans Affairs for tobacco-related illnesses and disease, as well as tobacco addiction, during their service in the Armed Forces. That day, I believe, was one of the least noble moments in the history of this body.

Now, adding insult to injury, the leadership of the House seeks to deny the funds needed for our Federal Government to continue to seek, in court, against the tobacco industry, the costs the Federal Government has incurred treating tobacco-related illnesses. It is a sad day indeed when the leadership of this House seeks to shield the tobacco industry from legitimate legal action brought by the Federal Government.

We must not forget these facts: funds spent by the Department of Veterans Affairs for health care used to treat tobacco illnesses and disease have been estimated to be between $1 billion and $4 billion a year. As many as 75 percent of our World War II veterans began smoking as young adults during their military service. Cigarettes have been distributed free of charge to members of the Armed Forces as part of their so-called "C-rations," and the labeling requirements warning of the dangers of nicotine and tobacco did not become mandatory for products distributed through the military system until 1970, 5 years after this labeling was required for the civilian market.

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Tobacco products were sold by the military at substantially discounted prices as late as 1996, when commissary tobacco prices were up to 76 percent less than commercial retail prices.

Those who support the tobacco industry will make the argument that using VA funds to finance this lawsuit will mean less money for medical care. The truth is, these dollars would be added to the administration's request after negotiations between the VA and the administration have concluded.

As an additional safeguard, our amendment would be directed at using only funds that would otherwise be used for nonmedical purposes; specifically, for the administration and legal expenses incurred in pursuing this lawsuit. It is misleading to say that these funds will be designated for health care.

Earlier today, four major veterans organizations spoke in support of this amendment. Veterans who will benefit from the successful outcome of this litigation will not be fooled. They want this litigation.

In the name of justice, support the Waxman-Evans-Hansen-Meehan-Stabenow amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, people back in my district always ask me, they say, is it difficult being in Congress? They say, what is the worst thing that goes on? I always reply, the partisanship that exists between the two parties.

No matter what we do, how much we try and increase, put up priorities, the other side of the aisle wants the majority back, so they will blast anything we do.

The gentleman from Wisconsin (Mr. OBEY) just said that he had 7 different amendments to increase veterans' health care. Most of us on both sides of the aisle support increasing health care for veterans, and also making sure that the fraud and abuse, like within the VA system, $1 million a day, is taken care of.
Yet, when we get to the House floor here, Members will see and hear; well, it is only tax breaks for the rich. We do not tax what they pay. They pay taxes back and take people because they get married is a tax break for the rich, or money that people invest with their families their whole lives, they pay taxes on, build up their business or farm, and where the government wants to come in and take 55 percent of it back, that that is a tax break for the rich. There is a legitimate difference of opinion.

I would say to my friends on the other side, we added $1.7 billion, the highest ever for veterans' health care last year, and $1.4 billion this year. Yet, it is never enough. We will hear, "more research, more HUD," and in the last bill, "more Labor-HHS." On every single line item, Members the other side of the aisle, they say, we want more, we want more.

There is a difference between fiscal responsibility and irresponsibility. For 30 years they ran the House. Let me give an idea. If we pay down the national debt, we spend nearly $1 trillion a day on just the interest, so $360-some billion we would have put into the coffers. But if we continue spending like my colleagues on the other side did when they had the majority, the other side of the aisle, then we just keep increasing that debt.

In 1993, when they had the White House, the House, and the Senate, they cut veterans' COLAs. My own party at one time wanted to cut veterans' COLAs. We fought that in our conference and defeated it. I think it is wrong. But Members just continue to spend and build up the national debt.

They talk about the President's budget. We as Republicans brought the President's budget back last year to the floor and showed how ridiculous it was. Not many Democrats voted for it. Yet, they say the President wanted $1.2 billion, and we are only putting a $500 million increase, so we are cutting. That kind of rhetoric is what makes it difficult to work here, instead of coming together and helping in veterans' health care.

I am a veteran, a combat veteran. Most of my colleagues on that side of the aisle know it. The only area which some of that that are blasting us will support is every other area but defense. Watch, there will be a couple of amendments here today to take out selective service.

In time of national emergency, in time of national emergency we are going to need the selective service program not only for biological and chemical weapons that may come forward, but if we end up in a WWII or World War III, that is the only time it would be useful.

I ask my colleagues, cut the rhetoric: "Tax breaks for the rich." Some people believe it, but they know it is ridiculous. Cut the rhetoric: Well, the President's bill did this. They did not even vote for the President's budget. Only four Democrats voted for it, so the number is accurate.

Let us sit down and work in a bipartisan way. Let us increase veterans and let us support it, and take this bill on to conference.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The Department of Veterans Affairs' medical budget is not the appropriate place from which to fund Department of Justice lawsuits. It funds the Veterans Administration Department's own legal expenses, and funding Department of Justice lawsuits to the tune of $4 million or even higher, because there is no holding them accountable. It significantly reduces funds available for veterans' medical care.

Mr. Chairman, it has been stated or alluded to that the effect of the restriction placed in the bill, and let me read it, of the "funds the foregoing may be transferred to the Department of Justice for purposes of supporting tobacco litigation." The restriction in here only says that none of the funds out of the Veterans Affairs medical budget can be transferred to the Department of Justice for its litigation purposes.

It has been alleged that that has the effect of blocking the Department of Justice's lawsuit against the tobacco industry. I respectfully disagree with that. It does no such thing. It does not preclude the Department of Justice from moving forward with lawsuits. What it does do, the bill language simply prohibits the Veterans Administration from transferring veterans' medical care dollars to the Department of Justice. That is the only intention and the only motivation, to preserve those scarce medical care dollars.

That money would come out of the medical care collections fund. I believe it does fund legal expenses for the Veterans Administration in this area: "Legal expenses of the Department for collecting and recovering amounts owed the Department." There are people very busily working over at the Department, Attorney General, and lawyers losing dollars out of that account to collect third party pay, to collect dollars that are owed from other areas. They significantly multiply their salaries. That is, they are responsible for generating a lot of dollars. Take that $4 million out of this account and, arguably, we would reduce by a factor of many times $4 million the amount of money available for veterans' medical care.

The budget for veterans' medical care has been severely stressed during the last several years. After 2 years of flat budgets, Congress enacted a substantial increase in medical care last year. The bill before us today builds on that increase by fully funding the President's budget request for medical care, more than $1.3 billion over current funding.

I cannot support an effort to divert funding from this priority in order to fund the operations of another agency. God bless the other agency, let them move forward with their lawsuit with their own funds; in this case, the Department of Justice. That department, the Department of Justice, has received significant increases during the past decade, as opposed to the Veterans Administration. In 1990, the Department of Justice received $8.8 billion. By 1999, that had risen to over $16 billion, and current year funding is over $20 billion.

The Department of Justice is not an agency that has faced the same restrictive budgets as the VA. It can afford to prosecute this lawsuit without taking money out of the veterans account.

Each appropriations subcommittee may establish its own authority for the agencies under its jurisdiction. Mr. Chairman, let me point out that the veterans organizations are split on this issue, but that the American Legion, while it supports the Department of Justice going forward with its lawsuit, does not support taking health care dollars from the VA to pay for the litigation and thinks it is counterproductive, especially with the growing demand for services by the aging veteran population.

This amendment does not stop any litigation, or this restriction, excuse me. It simply provides that that money will not come out of veterans' health care.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I associate myself with the ranking member and the gentleman from New York (Mr. WALSH), in rising in opposition to this amendment, and I would like to clarify some misconceptions about the language its sponsors are attempting to remove from our bill.

Contrary to some of the Dear Colleagues and other letters that have been circulated, the language in the VA-HUD bill does one thing, it prevents the VA from taking funding from the veterans' medical care account to pay for lawsuits against tobacco companies.

Our committee language does not, I emphasize, does not prevent the VA from giving the Justice Department money to pursue their lawsuit, so the gentleman's amendment is not necessary.

Frankly, I am no friend of tobacco, of the industry, but we have not worked so hard on our committee in a bipartisan way to increase the medical accounts over the past 4 years and the VA's budget on behalf of our veterans to see the administration and the Department of Justice push our veterans
out of the way so they can flog tobacco companies using funding from this and other appropriations bills.

The tobacco industry. An estimated 30,000 veterans from the World War II era are dying each month. These men and women need medical care today, not 3 or 4 years down the road. That is why none of this critical funding should be siphoned from their medical care, that they have more than earned and deserve. Too much has been taken away from our veterans already to deal them this additional blow.

For those who might forget or wish to forget, the TEA-21 bill signed by the President in 1998 and sponsored by a majority in this Chamber, supported by them, cut veterans’ disability payments for smoking-related illnesses by $14.4 billion to pay for highways and other important transportation projects. I voted against this bill because that $15.4 billion should have been spent on compensating veterans with tobacco-related illnesses, or redirecting it into paying for veterans’ medical care for veterans with smoking-related illnesses, as well as other veterans, instead of paving more highways and building more roads and taking care of more worthwhile projects.

Now, the administration is proposing to take $4 million from the fiscal year 2001 allocation for veterans’ medical care accounts to pay the Justice Department’s legal expenses to sue tobacco companies.

Some have argued to me that $4 million is a small amount of money and its diversion makes little difference overall to veterans’ medical care. But I can tell the Members, $4 million would provide for veterans in my district a lot of necessary things related to Hepatitis C, related to prescription drugs. Our language already allows the VA to use funding from somewhere else within its budget, just not from an account that directly pays for veterans’ medical care. There are a number of other accounts within the Department of Justice that the VA can take money from, including departmental administration, general operating expenses, medical administration and miscellaneous operating expenses, construction, major and minor projects, and grants.

These accounts total over $1.36 billion, and the VA cannot find $4 million from those accounts to pay for this lawsuit? That is incredible. The Secretary should cut his own budget and reduce administrative overhead before he raids the veterans’ medical care accounts to comply with White House directives.

The VA should use every dollar appropriated for veterans’ medical care to provide the men and women who fought our wars, and “care for him who shall have borne the battle.” I do not oppose lawsuits against the tobacco industry. I certainly do not receive any financial contributions from them. I do oppose the use of veterans’ medical care dollars to pay for the Justice Department’s lawsuit.

In closing, let me repeat that this language does not prohibit the VA from participating in the lawsuit. Our committee language does protect veterans’ medical care dollars to make sure they are spent today for the reason they were intended, to provide for the 25 million men and women in this country who bore the cost of battle and who have fought to defend our Nation’s freedom.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from California (Mr. WAXMAN) and my colleagues and my amendment. This is not about taking money out of the medical care budget. This is about taking money out of litigation, that is for medical care litigation. That is when the Veterans Administration has an opportunity to go out and get money that is owed to them, then they go to court and litigate.

Now what better expenditure than to expend that litigation money on fighting the tobacco companies? We have seen Attorneys General from across this country litigate and take the lead, before the Federal Government and this Congress did, to litigate against the tobacco industry; and they won $246 billion to repay Medicaid costs related to tobacco.

Why is this such a good investment to take the tobacco companies to court? Well, I will tell my colleagues why I think so. The gentleman from California (Mr. WAXMAN), who has offered this amendment, had hearings before the Congress. The tobacco companies came before the Congress; and they said their product, under oath, did not addict people. They said their product, under oath, was not addictive, was not harmful to health.

Then we found out when we looked at internal documents that, in fact, they knew of the dangers and the death and destruction that this product was causing. We are talking about veterans, many of whom started smoking in the 1950s and the 1960s when there were no warnings on cigarette packages then.

There were days when the veterans used to get free cigarettes from the tobacco companies. I wonder why they gave them free cigarettes? We now know that in the 1950s and the 1960s they were conducting studies. They knew of the addictive propensity of their product, and they knew they were addicting people to their product.

It is time that we make the veterans and the Veterans Administration whole. We should get back what is owed to the veterans, what is owed to the Veterans Administration. That is why this expenditure for litigation makes so much sense. Why do you think the tobacco companies paid $246 billion? They were cutting their losses.

We have a great opportunity here to make whole expenditures for veterans health care cost. What a great time to do it, at a time when we are trying to meet our commitment to our world or to veterans for health care, at a time when consolidation is causing anguish among veterans all across the country.

In Veterans Administration facilities, many of these veterans are there because of health-related costs that they got from smoking tobacco, from smoking cigarettes at a time when tobacco companies told them it was not dangerous, at a time when tobacco companies had warned them of the dangerous propensities.

That is why we go to court, that is why we have this civil lawsuit, and that is why we are looking to make whole the Veterans Administration and make whole the veterans of this country and others who were victims.

We are talking about representing victims in court.

We have a $4 million litigation account where the Veterans Administration takes and says, where can we make whole our expenditures in health care. How can anybody argue that the proper place for the Veterans Administration, too, to be made whole for health care cost than going after big tobacco.

We have been remiss in not going after the tobacco companies earlier. We have let the Attorneys General take the lead on it. We have let State legislatures all over the country take the lead on taking tobacco companies to court. Why is this an opportunity while the Congress has sat back and waited.

What would we do if Jeffrey Wigand had not had the courage to come forward and tell us as a scientist from one of the major tobacco companies that, as a scientist, they were manipulating the nicotine in their products, knowing it was addicting people? That is what this liability is all about.

This is not a partisan issue. A co-sponsor of this amendment is the gentleman from Utah (Mr. HANSEN), Republican, co-chair of the Tobacco Task Force on Health in the Congress, an outstanding Republican Member of this body. He is a co-sponsor of this amendment. So this is not a partisan amendment.

It is not about politics. It is about whether or not the Federal Government is going to move forward and try to find a way to make whole the Veterans Administration, that nearly $4 billion a year that has to be accounted for. In fact, in the 105th Congress, we told the Attorney General and the Secretary of Veterans Affairs in the Transportation Equity Act for the 21st Century that they should take, and I quote
again, “all steps necessary to recover from the tobacco companies amounts corresponding to the losses and the costs which would be incurred by the Department of Veterans Affairs for treatments.” We told them to go get this money.

Support the Waxman amendment.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all recognize that it is politically correct to be able to attack the tobacco industry in its totality today. In the spirit of full disclosure, I will have to admit that I do represent a large number of tobacco farmers. But this really has nothing to do about tobacco farmers.

The Waxman amendment, as has been said by many people before I am speaking, yet whether it be known or not, is that under the Waxman amendment, the Department of Justice will be able to take money from the veterans’ medical care dollars to finance a speculative lawsuit under the theory of which if the department of the Federal Government has never filed one like this before. So that is one reason to oppose this amendment, that it would take veterans medical care dollars to finance the lawsuit.

Now, in September of 1999, the Federal Government filed this lawsuit seeking $25 billion to recover money spent by the Federal military and civilian insurers on smoking-related illnesses. Prior to that, the State attorneys general had filed a lawsuit in which the tobacco companies entered into an agreement to settle for about $246 billion over 25 years.

I would just point out that, in 1999, all of the money that was spent on veterans’ medical care in the United States was about $17 billion in 1999. It is still interesting to know that the legal fees alone in the State lawsuits amounted to almost $12 billion. So there was almost as much money paid in legal fees in that lawsuit as there was spent for veterans’ medical care in its entirety.

Now, another reason that I would oppose the Waxman amendment is the simple fact that Federal and State governments have known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks. Government has known for more than 30 years that smoking does create health risks.

That is another reason that I would oppose the Waxman amendment.

Then a reason, I would simply say this, that the Justice Department’s complaint is only the most recent, and I am sure it will not be the last effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not win in the Congress. Since they cannot win in the Congress, they go to the courts under novel theories of law to collect on something that the Federal Government already knew was harmful and, furthermore, gave it to men and women serving in the military around the world.

So those are four of the reasons that I would ask the Members to oppose the Waxman amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we often are on this floor wringing our hands about why the public treats us so contemptuously and thinks so little of us all too often when we know we are here to do people’s work. But every once in a while, a bill comes along that reinforces that low esteem that the American public has for us, and this is one of them. The fact that there is an effort right now, an organized effort to protect the tobacco industry from the lawsuits. That is why I am here to strongly support the amendment of the gentleman from California (Mr. WAXMAN) and others to get rid of this rider.

Now, I have heard the arguments, oh, well the Justice Department can use its own money, or the Justice Department can get it from another fund. But there are all these other efforts going on at the same time which everybody knows will not prove any money, even a single dollar going.

We have got riders coming up in the Commerce Justice bill. There are riders all over the place that are trying to thwart these lawsuits against the tobacco industry. It would be more credible if it were not for the fact that the veterans are all for these lawsuits going forward, including the American Legion. Four of them have endorsed the Waxman amendment. The Veterans of Foreign Wars, AmVets, Paralyzed Veterans of America, Disabled American Veterans have explicitly endorsed this amendment that would allow these lawsuits to go forward and this small amount of money, relatively small amount of money from a litigation fund to go after the tobacco companies.

Why should we not? Tobacco-related illnesses cost the Federal taxpayers approximately $25 billion a year, excluding the Federal share of Medicaid, excluding the Federal share of Medicaid. The Medicare program pays $20.5 billion annually to treat tobacco-related illness. The Department of Defense pays $1.6 billion. Indian Health Services pays $300 million. The Veterans Administration pays $4 billion, not $4 million, $4 billion a year to treat tobacco-related illness.

So why not take a portion of that overall fund, not the fund directly going to services, but the litigation fund to try and get some of that money back?

I will tell my colleagues, I think that the American people understand that tobacco is costing them, it is costing them and their families and their lives, and it is costing their taxpayer dollars. These thinly veiled efforts to protect the tobacco industry are not going to be viewed very well by the American people. We should all stand up together, Republicans and Democrats, because I agree this is not and should not be a partisan issue. We should stand up together and support this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the provision that this amendment seeks to strike reeks of tobacco, it reeks of special interest, and it reeks of injustice. I think that this rider, and of course there has been considerable competition through the years, but it is truly the most disgusting that I have seen since this same crowd came to this same House and snuck into a bill for small business tax relief, $30 billion in a tax credit for the same tobacco industry, so disgusting that once it was exposed, they had to back off and remove the provision.

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Indeed, that action is one of the only bits of action that this House of Representatives has taken during the last 6 years to deal with that plague of nicotine addiction that kills thousands every day in this country.

Some of those who say that the legislative branch instead of the judicial, Americans can look at what has happened in the last 6 years and rightly say that the tobacco industry has a stranglehold on this House. Sometimes we can prevent it from doing more wrong, but we have been totally unable to overcome the tremendous strength of the tobacco industry over the current leadership of this House to do anything affirmatively for the 3,000 children that every day will become addicted to tobacco.

Supporters of this provision have the audacity to say we will not do anything about the children and their suffering from tobacco, and the fact that so many will eventually die from emphysema and lung cancer and heart disease, but we can find it in our schedule and in our hearts to provide more special interest treatment for this same industry. The friends of tobacco have the audacity to stand on this floor this evening and tell the American people that they are not terminating this lawsuit, they are just cutting off the funds necessary to its success.
Let me ask my colleagues if they think Phillip Morris and RJR, and all the other big tobacco companies, are going to stop spending any funds when they are dealing with any thick-cast lawyer in the country who will take their dirty money to defend them in this case. No, they are going to have an open checkbook. They are going to spend whatever it takes to obstruct the justice that this case deserves.

I stood next to Janet Reno earlier in the day, with the gentleman from California (Mr. WAXMAN) and leaders of our veterans’ organizations, and heard her say in no unqualified terms that the effect of a vote against this amendment is a vote to dismiss the well-justified claims of American taxpayers against the tobacco industry. The provision that we are voting on tonight is testament to the failing health of our veterans, particularly in election years. And they have asked the Congress to grant the motion to dismiss. This is just the latest under-handed maneuver in which they have engaged.

What is at stake here is a rather clear choice. It is a choice between defending our veterans who have defended us or defending the continued wrongs of the tobacco industry. I believe we ought to stand with the veterans. They were there today with Attorney General Reno also, one veteran group after another, the Paralyzed Veterans, the Disabled American Veterans, the Veterans of Foreign Wars, the AMVETS, speaking out and asking us to defend interests, as they were willing to defend our country, by supporting the Waxman amendment. We owe them nothing less.

And, of course, this is not the first time that big tobacco has trampled our veterans, just as they have trampled on our children. In each of the last two years I have advanced legislation in this Congress to give our veterans their fair claim against Saddam Hussein and his Iraqi assets that have been frozen for a decade. But big tobacco said, no, we want the assets. We want to get re-imbursed for all the cigarettes we sold the Iraqis before our veterans get reimbursed on their just claims. It is that same kind of greedy attitude that they bring tonight to this House, saying that they deserve immunity, which is what they would effectively gain if the Waxman amendment is defeated—immunity to continue committing the same wrongs they have been engaging in previously.

The American people have a much greater understanding of the wrongs done by the tobacco industry than this Congress has demonstrated over the last 6 years. 430,000 people every year will die as a result of tobacco, thousands will require care in hospitals and hospices. We ought to be able to require the tremendous cost of the care incurred for the American taxpayer and for the American veteran.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Waxman amendment.

I do this as a public health nurse, for I have seen firsthand the serious consequences of smoking-related illnesses, and I am appalled at the behavior of the tobacco firms. This is a time when accountability is called for.

We speak here today on behalf of our constituents. And I am speaking on behalf of the veterans I represent. I know their national leaders were here today to testify before the House, but they have spoken to me directly and to many of us across this country, as they are bearing the price for what has happened throughout the decades as a result of their exposure and addiction to tobacco in the call of their military duty. We need to speak for them.

I speak also for other citizens in my district, citizens who are aware and are aroused by the injustices that have been done. I think of a particular physician in San Luis Obispo, Dr. Steve Hanson, tireless in his work on tobacco-use prevention among young people in our community but also on the need for treatment to be available, working through the American Medical Association and the San Luis Obispo Medical Society, an articulate voice on behalf of the justice that needs to be done in this case.

This amendment will allow for the continuation of litigation to recover tobacco-related health costs that have burdened the American taxpayer for many years. The cigarettes that were put into GI rations and unwittingly caused addictions are now being borne out in the health and illness situations of so many of our seniors who are veterans and who are paying terrific consequences with their lives, suffering from emphysema, heart disease, and cancer as they are aging. These individuals need and cry out for a response that needs to be stimulated and encouraged in this body.

Janet Reno has stated that if this rider to the VA-HUD appropriation passes, the Department of Justice would have no ability to continue in their crucial litigation on behalf of veterans. This amendment protects veterans. Under the Medical Care Recovery Act, any recovery of these tobacco costs would go directly to the VA and defense health programs.

As members of this Congress, I urge them to remember that the tobacco companies concealed what they knew about the damaging health effects of smoking for decades. During those same decades, the consequences of smoking were played out in the lives of citizens across this country, and yet we continue to let the tobacco industry receive unprecedented and unwarranted protection that will never be available to other more responsible companies. So Congress must hold Big Tobacco accountable, and I encourage my colleagues to vote ‘yes’ on the Waxman amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not plan to speak on this amendment, but I was listening to the discussion back in my office and I thought, how silly do we think the American people are?

I think it was 62 years ago, I am 72 at the present time, when my mother and father came to the United States. There was tobacco in this house; it is addictive and it is injurious to your health. That was 62 years ago, and here we stand and we say, boy, people lied to us and we did not know it. Now, my colleagues know that that is nonsense. We have known it for a long, long, time.

But I am also surprised when we stand down here and we talk about the cost of tobacco. There is not anyone, probably in this House, who is a leading campaigner against the use of tobacco. One of our young Congressmen when I first came here, a diabetic, a chain smoker, I tried and tried and tried my best to help him break the habit, but he could not and he died of diabetes.

I am amazed when we talk about the cost, when no one talks about alcohol. My attorney general came to me and said, we have to have this money; we have to have this money, boy, the cost to Medicaid and Medicare. And I said, wait a minute, the cost to Medicaid and Medicare, the cost to veterans health? Talk about alcohol. It is only about 10, 12, 15, 20 times as great in relationship to the cost, but it goes way beyond that. Abusive in the home, physical abuse, mental abuse, and on and on and on. And yet somehow or other we do not take that on because, I suppose, it is socially acceptable, and so we talk about tobacco.

Then someone indicated that, well, tobacco has their hands on the Congress. Well, tobacco may have their hands on some individuals in the Congress, as it does on individuals all over the country, but it has nothing to do with one’s ability to think clearly about the issue. So, again, I just do not understand what it is we are trying to do in relationship to this amendment other than try to confuse the public that somehow or other there are few in
this Congress who really are fighting this issue and that we did not know it was addictive and we did not know that it causes problems and, of course, we have known that for 50, 60, 70, 80 years.

In the last 20 or 30, as a matter of fact, signs have been everywhere, and put there by the Government, indicating that it is injurious to our health and that it is addictive.

So I think we ought to switch. If we want to move money, move it, but then give a good reason for doing it. But, for goodness sakes, we should not try to make the public think that we know more than they, and that they do not know already that it is an addictive issue and it is also a health problem.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. EVANS. Mr. Chairman, I stand in strong support of the Waxman-Hansen-Evans-Meehan amendment. This amendment will remove the rider in this bill that prohibits the Department of Veterans Affairs from aiding the Justice Department in its suit against Big Tobacco.

And in response to my friend, the gentleman from Pennsylvania, I would say that tobacco is addictive. It has been proven to be addictive. And alcohol has caused all sorts of problems in this country, there is all sorts of abuse of alcohol; but it is not addictive in the same way.

No industry, no industry deserves a special exemption from Federal liability, and without help from the VA, the Justice Department will have to drop its suit against the big tobacco companies. We should not be legislating special protections for an industry that has lied to the Congress and deceived the American people.

The VA spends more than $4 billion annually treating tobacco-related illnesses. If the Justice Department’s suit is successful, and I believe that it will be, the VA will recover billions of dollars spent on health care for veterans. If this amendment fails, then the bill will prevent the VA from obtaining billions of dollars to help veterans who suffer from tobacco-related illnesses.

Why should we not help those veterans? They need our help, and we ought to stand with them. We should not be helping Big Tobacco.

This amendment does not take $1 away from veterans’ health care. It uses money in the VA’s administrative and legal expenses account to help fund the suit against Big Tobacco. Yet the tobacco companies are spending enormous amounts of money and working hard to convince Members that the Waxman amendment takes away from veterans’ health care. That is absolutely false.

In 1998, I passed a highway bill here in this House that became law. And in that legislation is language that urges the Attorney General and the Secretary of the VA to sue the tobacco companies so that money could be recovered to go to veterans’ health care. And what we see in this bill today is a provision that makes it unlikely what we did in 1998. It would prevent that money from being used, the litigation money, from being used to recover money for our veterans.

Since when, Mr. Chairman, have the tobacco companies cared about the health of the American people? They make a product, which used as directed, kills people. Their future prosperity depends on enticing young people to take up smoking. They swore they were not doing that just a few years ago, and we have found since that it was not true.

The tobacco companies want relief from a legitimate lawsuit at the expense of our veterans. A vote for this amendment is about for veterans’ health care and against the unlimited greed of the tobacco industry. Vote “yes” on the Waxman amendment.

Ms. STABENOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very proud today to stand as one of the sponsors of this amendment. I want to thank my colleagues, the gentleman from California (Mr. WAXMAN), the gentleman from Illinois (Mr. EVANS), the gentleman from Utah (Mr. HANSEN), and the gentleman from Massachusetts (Mr. MEEHAN), for their leadership on this issue.

I stood on the floor a year ago asking that we fully fund veterans health care through the independent budget. We were not successful at that time, although there was a lot of discussion about the importance of veterans’ health care. We have yet to fully fund at the level that has been put forward by the veterans’ organizations to fully fund veterans’ health care.

This amendment is supported by the Veterans for Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS. This amendment is about keeping our word. Very simple. It is very simple. As my colleagues have said, in 1998, in the transportation bill, we said that dollars would be removed for service-related tobacco illnesses. Rather than moving ahead at that time, in fact, we called on the VA, in the budget bill, to take all steps necessary to recover from the tobacco companies.

So this was 2 years ago we passed a bill that says all steps necessary to recover from the tobacco companies. Two years later, we are here with a bill that says they cannot sue the tobacco companies.

What happened in the last 2 years? What happened is a sleight of hand and an unwillingness to keep commitments that were made to our veterans just 2 years ago. And I am deeply concerned about that. We told them that they had to be part of the tobacco suit to recover costs so that they could treat tobacco-related illnesses. It means that the tobacco companies are saying they cannot do that. It does not make any sense.

We know that the VA spends $4 billion annually on treating tobacco-related illnesses, the Defense Department spends $1.6 billion. If we allow them to continue to be a part of the suit, under the Medical Care Recovery Act, any recovery of costs will be returned back to them so that our veterans can be cared for. And this is tens of billions of dollars.

In addition to that, there are implications for the Medicare Trust Fund that are very important. Medicare spends $20.5 billion a year on tobacco-related illnesses for our older Americans, our word to our veterans, the Medicare Secondary Payor Provisions, any recovery of these costs would go right back to Medicare; and if the lawsuit is funded and successful, these dollars could add years to the solvency of the Medicare Trust Fund, continue health care for older Americans and the disabled for years into the future, and, most importantly, allow us to fund a prescription drug benefit.

I have been deeply involved in this issue. For the last year, I have had a hotline set up in the State of Michigan asking people to share their stories of situations where they are struggling to pay the costs of prescription drugs. I have been deluged with letters and phone calls, people sitting down every night at the table, do I get my food? Do I pay my electric bill? or do I get my medications?

If we allow this lawsuit to go forward, we can do something about that. If we allow these funds to be transferred to support this effort, we can hold an industry accountable that needs to be held accountable and we can make sure that our veterans have the commitment kept to them that we made 2 years ago to support their efforts to increase dollars available for veterans’ health care as a part of this lawsuit.

It is time to stop protecting the tobacco companies in this House of Representatives, and it is time to start keeping our word to our veterans, to our nation.

Mr. MARKEY. Mr. Chairman, I rise in support of the Waxman amendment. The legislation that we are considering right now that the gentleman in California (Mr. WAXMAN) and others seek to amend should have, in fact, some help from the Government Printing Office so that the package around this legislation has a special exemption from Federal liability. I am concerned that this legislation may be hazardous to your health and the health of every American who has a family member who smokes.”
Part of me, Mr. Chairman, cannot believe that we are actually on the floor engaged in a debate about whether or not the tobacco companies should be granted immunity against Federal lawsuits. And then part of me realizes that I should not be surprised at all.

Two years ago, the tobacco companies came before the Committee on Commerce and argued that the proposed settlement worked out with the State did not contain immunity for their industry. The CEOs claimed that they wanted to work with us, that it was the dawn of a new era. And yet, at the same time, they hired a public relations firm to develop a cynical $20 million ad campaign to, quote, create the illusion of support for the purposes of supporting litigation against the Federal Government for what they have done.

Well, their cynical ploy worked. Congress killed comprehensive tobacco legislation. And now let us stop the Justice Department from suing to get back some money for the American taxpayers.

Under the underlying bill that we are debating today, a rider stuck to it will defund the tobacco litigation that the Department of Justice has initiated on behalf of the Departments of Veterans Affairs and Defense and Human Services. In fact, the language in this bill states, in the most direct terms, that no money budgeted for litigation support may be used for the purposes of supporting litigation against tobacco companies.

This is outrageous, Mr. Chairman. The Federal Government spends $20 billion annually Medicare related to tobacco-induced illness costs. The same thing is true for the VA. The same thing is true for Indian services. All the way down the line.

Now, what a message that this bill sends. It says, no money for our seniors who rely on Medicare, no money in court for our veterans, no money for our men and women in uniform, no money in court for Native Americans, no money in court for the millions upon millions of Americans ravaged by tobacco-related illnesses.

It is bad enough that the 1997 balanced budget amendment cut so much money out of Medicare, but it compounds the crime immeasurably to then say that the Federal Government itself cannot sue to collect money from the tobacco industry that can be used for the health care of these ordinary Americans.

Four hundred, thirty thousand American die each year from tobacco-related deaths. Four hundred, thirty thousand Americans die each year. One in five deaths in the United States are related to tobacco-related illnesses.

Three thousand kids every single day in the United States take up smoking. Three thousand a day. One thousand of them are going to die from a tobacco-related illness.

The veterans who 30 and 40 and 50 years ago were given packs of cigarettes, they were given, basically, a one-in-three chance of dying from the addiction that would be caused by that free pack of cigarettes which was handed to them. We owe these veterans and we owe all who have suffered from tobacco-related illnesses the right to be able to go to court, the right to be able to say to those who were the primary cause of illness in our society that they must pay those families and the Federal Government for what they have done.

We are at the dawn of a new century. One in three babies born in the United States today has a chance of living to the age of 100. We, who hold out so much promise for this country, have it within our power to do something to ensure that there is, without question, the strongest possible disincentive created for the tobacco industry doing in the 21st century what it did in the 20th century to the health of our veterans.

PREFERRABLE MOTION OFFERED BY MR.

WAXMAN

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and the vote was taken by electronic device, and there were—ayes 138, noes 243, not voting 25, as follows:

AYES—138


NOES—243


Velasquez  Vento  Waters  Watt (NC)  Wexler  Weiner  Weiser  Weygand  Wexler  Wynn
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MESSRS. SHOWS, LAHOOD, MCLINNIS AND BENTSEN changed their vote from "aye" to "no."

The motion to strike the requisite number of words was agreed to by the ayes to 292, the noes to 1859.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. HAYES. Mr. Chairman, I was unavoidably absent from the vote earlier this evening. Had I been here, I would have voted against the motion to rise—rollcall vote 292.

Mr. GREEN of Texas, Mr. Chairman, I move to strike the requisite number of words.

The motion to rise informally.

Mr. Chairman, to remove VA appropriations for the tobacco litigation hurts our veterans. It is our duty to provide as many dollars as possible for our vets, especially since our government encouraged tobacco use and tobacco-related care totaling nearly $90 billion in 1997.

Mr. Chairman, decades of deceit by the tobacco industry has caused Federal taxpayer expenditures, and, again, not just by the dollars we appropriate, but by the dollars that we can generate from tobacco-related lawsuits. Again, it is our duty to recoup that money to be used by our government.

Mr. Chairman, I am reading a book now about the Chosin Reservoirs and the heroes that Korean War, particularly, Chosin veterans, and land inexperience after instance, when the temperature, was well below zero, often times the only thing they had were cigarettes. Those cigarettes were provided by our government.

Those Korean War veterans are up in years. We should be able to provide for them to be treated in our VA hospitals, and, again, not just by the dollars we appropriate, but by the dollars that we can generate from litigation because of their addiction and the diseases that they have because of that.

Again, this amendment is supported by the Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans, and AMVETS; and I think, Mr. Chairman, particularly this year, less than 2 weeks ago, we talked about it at our Memorial Day services all over the country, in recognizing our veterans' contribution that in this year, particularly, we are recognizing Korean War veterans that the Waxman-Hansen-Meehan amendment should be adopted, and we should move this provision.

I would hope that no matter what appropriations bill we come to, that we would not tie the hands of the Justice Department to say, no, we need to have tobacco-related lawsuits. Again, it is not our decision it, is up to the judges and the juries ultimately; but it would allow for us to recoup that money to be able to again treat more veterans for to tobacco-related illnesses. Again, it is our duty to recoup that money to be used by our government.

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related illnesses. That man is an intelli-
gent, otherwise responsible man, so he
must have been deliberately trying to
decoy the court and the American peo-
ple.

In my mind, there can be no other
conclusion. That is not tolerable. If
this Congress is not willing to reim-
burse the Veterans Administration for
the costs of this deception, then we
should do it for the 3,000 teenagers who
start smoking every day, at least for
the 1,000 who will die because they did.

This amendment should be sup-
pported. It is the right thing to do.

Ms. JACKSON-LEE of Texas. Mr. Chai-
man, I move to strike the re-
quisite number of words.

Mr. Chairman, I think there is no
better term for this rider of which the
Waxman amendment addresses than
the smoke and mirrors rider. Because it
seems to suggest that the bad guys are
trying to take minimally $4 million
out of VA, and that money would im-
 pact or take away from caring for the
veterans of this Nation. That is why it
is the smoke and mirrors rider, and
that this amendment to strike of the
gentleman from California (Mr. WAX-
MAN) clarifies and tells the truth.

It is long overdue. Now, one might
read this particular rider as an amend-
ment that is on a white horse, a good
amendment, a good rider, because it
seems to suggest that the bad guys are
being deliberately trying to sit down, that there is another
half of the chairman's position on this
amendment and this rider. I think that
this is the rider we need to strike. It is
the rider that we need to strike.

In reality, this amendment is tak-
ing or striking monies that the admin-
istration had already designated in a
VA litigation account, separate and
apart from any dollars dealing with the
medical needs of our veterans, and this
amendment specifically states that
there would be no provision that would
take the $4 million out of any of the
accounts that would deal with VA
health care. Plain and simple.

What this rider does not say is that
its basic initiative is to be hand and
glove with the tobacco industry. Its
basic premise is to ensure that this
government does not have the op-
portunity to engage in legitimate
litigation in the courts of law to
deem the funds that have been paid,
hundreds of billions of dollars, as we
have paid in Medicare, Medicaid and
VA health needs, because people have
been injured and have been ill and even
died from tobacco-related injuries or
illnesses.

It is interesting to note that this is
$4 million which we talk about, but yet
we find the Department of Veterans Af-
fairs and the Department of Defense
have spent $4 billion and $1.6 billion re-
spectively per year treating tobacco-
related illnesses.

Now, Mr. Chairman, you would think
that that dwarfs this simple process
which the administration has designed
to rightly have the Department of Jus-
tice secure from HHS, Health and
Human Services, the Department of Veterans Affairs and other agencies
that would rightly benefit from the re-
und of dollars gained by prevailing
litigation that says we have been
wrongly required to pay for these needs
of these particular citizens who have
fallen ill, and, now, after determining
the untruthfulness of the executives of
the tobacco company who represented
that tobacco was not addictive and
then were found out and who have, in
certain instances, settled these cases
usually under the guise, lost in courts
of law in various States, such as the
settlement we have and the litigation
in the State of Florida.

How can we then deny the oppor-
tunity for this amendment to prevail
in order to ensure this litigation to go
forward? Do we know what else is dam-
aging and happening? Do we realize
that 430,000 of our citizens die pre-
maturely because of tobacco use? Do we
realize the number of children, about
5 million children, that smoke in the
United States, and each day another
3,000 become regular smokers.

and, of these children, one-third will
ever die from tobacco-related causes?

Mr. Chairman, it is high time now to
get rid of these kinds of false debates
on the floor of the House and the
smoke and mirror riders that are put
on legislative bills and appropriation
bills that are passing through this
House. We have seen many of them un-
dermine the intent and purpose of good
will.

We need the dollars to pursue this
litigation. We need to recoup the enor-
mous dollars we have lost in treating
these terribly ill people and those that
have died and lost their battle with
cancer and other illnesses, and we need
to stop this misrepresentation of
plucking dollars out of the VA-HUD
under the pretense that we are denying
care to our veterans health care. What we are ac-
tually doing is robbing their health
opportunities.

This is a bad rider. This is a good
amendment, and I support the Waxman
amendment. Let us eliminate this bad
language.

Mr. Chairman, I rise to speak out against
this most recent attempt to undermine the abil-
bility of the Department of Justice to recover the
potentially hundreds of billions of dollars paid
by American taxpayers to treat tobacco-ill-
nesses.

Evidently, contained within H.R. 4635 are
legislative provisions that would block the con-
tinuance of current federal tobacco litigation.
The rider in this appropriation bill expressly
states that no money budgeted for litigation
support may be used "for the purposes of
supporting litigation against the tobacco com-
panies."

To allow such a rider to pass would
degrade the quality of H.R. 4635 and send the mes-
 sage to the victims of the tobacco industry that
Congress is not concerned about the lives and
the illnesses resulting from the tobacco com-
panies' exploitation of cigarettes addiction
among the American public.

The dire statistics surrounding tobacco use
cannot be denied. Tobacco use is responsible
for more than 430,000 premature deaths each
year. Tobacco use is the leading cause of pre-
mature death in the United States, twice the
amount caused by AIDS, alcohol, motor vehi-
cles, homicide, drugs, and suicide combined.

Among our youth, about 5 million children
smoke in the United States and each day an-
other 3,000 children become regular smokers.
Of these children, one-third will eventually die
d from tobacco-related causes.

Already, the American people had begun to
reap the benefits of the Department of Jus-
tice litigation efforts, such as in my home
state of Texas where the tobacco settlement
proceeds have been used to fund secondary
and higher education, The University of Texas Health Centers and Cancer Centers,
minority health research, mental health and
retardation services and child immuniza-
tions just to name a few.

Additionally, many of the funds received
from this tobacco litigation would be returned
to the Department of Veterans Affairs or the
Department of Defense because these depart-
ment spend $4 billion and $1.6 billion respec-
tively per year treating tobacco-related ill-
nesses.

A primary concern of mine is the authority of the
Justice Department to seek out court or-
ders to prevent tobacco companies from mar-
teting to children.

The legislative provisions attached to this
appropriations bill would lower the allowable
harm to the public. I urge my colleagues not
to support the legislative provisions halting the
continuation of the federal tobacco litigation.

Mr. DICKEY. Mr. Chairman, I move to
strike the requisite number of words.

Mr. Chairman, I am speaking on be-
half of the chairman's position on this
amendment. I think his position is cor-
rect.

I also want to note, and then I am
going to sit down, that there is another
reason. This is the gentleman's 53rd
birthday, and I would like to give my
eighty who are present.

Ms. DeLAURO. Mr. Chairman, I move to
strike the requisite number of words.

Mr. Chairman, I rise in strong sup-
port of the Waxman-Evans-Meehan
amendment. We should allow the Jus-
tice Department to continue to fight
the tobacco companies on behalf of
America's veterans and on behalf of
America's children.
It is past time that the tobacco industry is held accountable for all of their years of deceit. By allowing the Justice Department to continue to litigate against the tobacco industry, we will return millions of dollars in needed funding to the veterans health care system. That is fitting, considering the number of our Nation’s veterans that are now suffering from tobacco-related illnesses that to this day the tobacco industry denies are the result of cigarettes.

Each year the VA spends $1.6 billion treating illnesses caused by cigarettes. The Defense Department spends $1.6 billion. Medicare spends another $20.5 billion per year. The costs sap the strength out of our health care system and rob our veterans of the quality of care that they deserve, and this money goes directly to paying for veterans health care.

The tobacco industry knows that people who use their products will not be around for long, so they have to go out and they find what they call “replacement smokers.” “Replacement smoker” is the euphemism, a callous euphemism, that tobacco executives use for our children. They see our kids as the route to future profits, even though they know for a fact that of the 3,000 kids that they hook each day, one-third of them, over 1,000 of our kids, will die of a tobacco-related illness. And these people should not be held accountable for this? It is unconscionable.

So why would someone put a provision into this bill that would protect the tobacco companies from being held accountable? Why should they place the needs of the tobacco industry ahead of veterans health care, our children and the taxpayers that have to foot the bill for these health care costs? Could it be, could it be because the tobacco industry has spent over $31.8 million on political contributions, roughly 80 percent of which have gone to the Republican Party? Could it be because Philip Morris has given Republicans over $1 million in soft money this year alone and is the Republican Party’s second largest contributor?

It is about time that this Congress said loud and clear that the days of special treatment for the tobacco industry are over. This is not for trial lawyers, it does not rob money from veterans, and it is well within the law to use these funds for affirmative litigation. That is all the tobacco companies want, is to create a smoke screen, and we have had enough of it.

Mr. Chairman, we are never going to forget the image, the visual image in our mind of that hearing when the tobacco industry CEOs raised their right hands, swearing, swearing, that nicotine was not addictive. They lied on that day, as they continue to lie about the health problems of their product. And now they should be protected?

They should not be protected on the floor of this House. That would be egregious.

This amendment will help to strengthen veterans health care in this country. It will finally hold tobacco industry accountable for their lies. Support veterans health care, protect our children from the tobacco industry’s predatory practices, support this amendment.

Mr. GANSKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Prior to coming to Congress, I was a reconstructive surgeon, and I did a lot of my training in VA hospitals. I can tell you, I have taken care of some pretty horrible examples of the victims of tobacco addiction, and I know that tobacco long before it became well known that tobacco was such an addicting substance and that it had such harmful consequences.

I can remember one veteran very well when I was chief resident in general surgery. This gentleman had a disease called thromboangiitis obliterans, which is like an allergic reaction to tobacco smoke. It causes the small blood vessels in your body to thrombose, to occlude, so you undergo periodic amputations of your extremities. You lose the blood supply to your fingers; they fall off. You lose the blood supply to your toes; they fall off.

This gentleman was so addicted to nicotine that, despite this process going on, and despite the fact that he had lost both legs above the knees and all of his fingers except for one finger on his right hand, he could not stop smoking, so he had devised a little wire that he would put the cigarette in and then loop it over his finger so that he could smoke.

Make no mistake about it, this is one of the most addicting substances we know. We know pharmacologically that nicotine is as addictive as heroin and the disease we just heard about is like an allergic reaction to tobacco smoke. It causes the small blood vessels in your body to thrombose, to occlude, so you undergo periodic amputations of your extremities. You lose the blood supply to your fingers; they fall off. You lose the blood supply to your toes; they fall off.

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Make no mistake about it, this is one of the most addicting substances we know. We know pharmacologically that nicotine is as addictive as heroin and the disease we just heard about is like an allergic reaction to tobacco smoke.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, tobacco is the number one cause of death in the United States right now. It is responsible for more than 430,000 deaths each year, or 1 in every 5, and I am willing to bet that tobacco deaths have hit every Member of this House in some way. It is a well documented and scientific fact that smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lung, larynx, esophageus, mouth, bladder, cervix, pancreas and kidney, and the disease we just heard about from my colleague. This is a horrible, horrible disease.

As you assess tonight, my colleagues, whether or not tobacco companies deserve the special treatment that the rider in this bill would occasion, I hope you will remember that for decades now tobacco companies have been targeting our children. For example, a 1975 memorandum by R. B. Seligman, Philip Morris vice president for research and development states, “Marlboro’s phenomenal growth rate in the past has been attributable in large part to our high market penetration among younger smokers 15- to 19-year-olds.” And Marlboro is not the only one. In 1978, Curtis Judge, the President of Lorillard Tobacco Company, received a memo saying, “The success of Newport has been fantastic during the past few years. The base of our business is the high school student. It is the in brand to smoke if you want to be one of the group.”

Recent research has indicated that tobacco companies are targeting teens today through advertisements in all of the mediums they care about, including magazines and billboards.

Now, we do not know how this lawsuit will turn out. We do not know if it will be successful. But why on Earth, when you have an industry with this kind of track record, should you give them the kind of special exemption that this bill would give them? It makes no sense, and it is dead wrong.

According to recent estimates, the Federal Government expenditures for the treatment of tobacco-related illness totals $22.2 billion in Medicare, the Veterans Administration, the Federal Employees Health Care Benefits and the Indian Health Services. In fact, the courts recently held that the Indians must go through the Federal Government to seek remedies versus the industry because the main health funding is a Federal program.

So not only is it wrong to give the tobacco companies a pass, it is also fiscally irresponsible. We are spending billions of dollars to treat tobacco-related illnesses, and, frankly, if there is evidence of racketeering, if there is evidence of the wrongdoing that is alleged in this lawsuit, why on Earth should the United States Congress give the tobacco industry a pass? It makes no sense, it is wrong, and we cannot do it.

I would suggest to my colleagues on both sides of the aisle, it is the wrong thing to do, both fiscally and from a public health standpoint, and I would urge the adoption of this very fine amendment.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to support the Waxman amendment to allow the Government to reclaim its
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damage from tobacco companies. Tobacco use is the single most preventable cause of death and disease in our society. Tobacco products cause more than 400,000 deaths in the U.S. each year. Each person who dies of tobacco-related lung cancer loses an average of 14 years of expected life. I again repeat, each person loses over 14 years of expected life.

In addition to that, in terms of the quality of life of the individual, I do not know if anyone has ever witnessed someone who suffers from emphysema, where they have the difficulty where before they had strength, they are unable to even walk from their bedroom to the kitchen to be able to get a cup of coffee, the quality of life that is also lost is not even recorded.

The record is clear that the health care and future losses that veterans who start smoking every single day. American youth is relying on the Congress to be protective.

I would share with my colleagues a particular research project that was done in Austin, Texas, when I was a legislator where they took youngsters from one of the high schools, these were high school youngsters and it was a research project where the students were allowed to go around the neighborhoods and purchase cigarettes. One of the things that they found when they provided that testimony before us, they laid hundreds of packages of cigarettes where they had bought those cigarettes. These were all youngsters that were sold those cigarettes. It was not surprising that on the east side of Austin and in those sectors where the minority populations were that this is where the most number of packages were sold.

In addition to that, as we move forward, I would remind my colleagues that when veterans joined the military, they were also provided with access to cigarettes, so that it becomes important for us to recognize that they recover from the expenses that why they go after the young, that is when they can catch those individuals, because as adults, a lot of times we know better than to smoke. And they recognize that if anyone is going to be smoking it is if they catch them early enough. So every effort needs to be taken to make sure that we do the right thing. We have an obligation to ourselves and to our country and to our veterans to make sure that we go after the companies that have been abusing.

The VA spends over $4 billion annually treating tobacco-related illnesses. Under the Medical Care Recovery Act, any recovery of this cost would be returned to the VA health programs. In effect, the amendment blocks the VA from obtaining potential tens of billions of dollars for the recovery and for the use of our veterans. It is also disheartening that the 106th Congress would act to prevent the Department of Justice from pursuing forward the claim. The 106th Congress had denied veterans' compensation for tobacco-related illnesses in Public Law 105–178 with the express recommendation that the Attorney General take all steps necessary to recover from tobacco companies the cost of that treatment. It is our obligation, it is our responsibility, and I would ask that we move forward.

Mr. Chairman, I would ask my colleagues to please vote to stop this outrageous gift to the tobacco industry and let us move forward and do the right thing and vote ‘aye’ on the Waxman amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment, which would repeal the provision that restricts the Department of Veterans Affairs from transferring funds to the Justice Department to support tobacco litigation.

Each year, the Federal Government spends an estimated $25 billion on tobacco-related health costs, $25 billion. Specifically, the VA contributes more than $4 billion to this outrageous tab. This is very wrong.

That is why in the 105th Congress, the House called on the Attorney General and the Secretary of Veterans’ Affairs to take all the necessary steps to recover from the tobacco industry the costs incurred by the VA for the treatment of veterans with tobacco-related illnesses. In return, the Department of Justice filed a lawsuit against the tobacco industry.

Unfortunately, some of my colleagues are attempting to derail the DOJ’s efforts. This is evident by the three antitiiggling riders attached to this bill, as well as the Commerce, Justice, State and Defense appropriation measures. Under section 109 of the fiscal year 1995 appropriations bill, the DOJ is allowed to seek reimbursement from tobacco companies for the expenses related to the costs incurred by the Department of Veterans’ Affairs for treatment of tobacco-related illnesses of veterans if such treatments were authorized by law.”

In other words, with one hand Congress said, we want to take $16 billion that we are paying out annually to veterans in compensation for disabilities caused by tobacco smoking; and we are going to say, you cannot do it any more. We are going to take it away from the veterans. But we are not
going to be quite such hideous people; we are going to see that we ask the Attorney General and the Department of Veterans Affairs to sue the tobacco companies and see if they can recover money on behalf of the veterans that will go to the veterans in compensation instead of the disability payments.

Now, this bill前来。In 1999, the Department of Justice initiated a lawsuit, a Federal lawsuit, against the tobacco companies seeking to recover claims against tobacco companies, as most of the States have done, as many local government cities and towns across this country have done. Why should the Federal Government not recover on behalf of our citizens and in particular on behalf of our veterans recover monies because of damages they sustained because of the improper actions of the tobacco companies, especially after Congress promised in 1998 to urge the Department of Justice to do so?

The Department of Justice initiated the lawsuits, and what do we have now? In this bill and in other appropriation bills, we have amendments that say you may not use any funds for this lawsuit; not for lawsuits in general, for this lawsuit on the tobacco companies. Congress is coming in almost like a bill of attainder and saying, we do not like this particular lawsuit; we do not want you to recover money for the veterans. We want the veterans to continue to suffer uncompensated, not compensated through disabilities, we closed that off 2 years ago; and we will not allow you to try to recover benefits for them through a lawsuit. We are afraid of what the courts may find.

The tobacco companies are going to defend themselves in court; and maybe the court, after hearing the evidence, will say they are liable, but we do not want to take that chance. We want to say to them, you do not have to defend yourselves in court because of your actions. We will not let the Attorney General and the Department of Veterans Affairs participate in a lawsuit to recover the money. Never mind that we promised it 2 years ago. Never mind that this is completing the betrayal of the veterans that this Congress started 2 years ago. How can we not hang our heads in shame if we do not adopt this amendment to change the policy in this bill?

I submit, Mr. Chairman, that this amendment must pass in order to save the honor of this Congress so that it cannot be said that this Congress, and I must add in good conscience, the Republican leadership of this Congress, consciously and deliberately betrayed the veterans of the United States because they preferred that the tobacco companies not have to defend themselves, and not have to pay the veterans for damages they caused them, if the court would find they caused them such damages. Never mind the promise that this Congress and the Republican leadership made 2 years ago. Now it is time to renege on that promise, because now it is time to deliver on that promise; and it was never intended that that promise be delivered on.

If we are people of honor, if we are people of honesty and probity, if we want to be able to not hang our heads in shame before our veterans, we will vote yes on this amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

I do want to point out that it is the birthday of our esteemed chairman, and I hope he will take all of these testimonials as a "happy birthday to you," Mr. Chairman.

I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I want to frame this issue so that everyone understands what is at stake. We have the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, AMVets. They have all asked for an "aye" vote on this amendment. On the other side is the tobacco industry, and they would like this amendment defeated.

Now, the reason the tobacco industry wants this amendment defeated is that they would like to stop the litigation against them by the Federal Government. It will be easy for them to succeed if they could have riders in appropriations bills that defund the lawsuit. And the Attorney General of the United States said, if this lawsuit is defunded by this rider in the VA-HUD bill and another rider in the Department of Defense bill and another rider will be in the Commerce, State, Justice bill, then she will not be able to go forward with the litigation.

Now, to give my colleagues some background, in 1998 there was a promise made to the veterans when, in this transportation bill, they sought to get some funds for transportation use; and the bill provided that those funds that otherwise would go to take care of veterans who were disabled because of tobacco smoking would no longer be available to them for that use; and in 1998, when that money was taken out of veterans' health care, there was an explicit understanding that the Federal Government would pursue a litigation against the tobacco industry to make up for those funds.

Well, we are now at the point where they are looking to see whether we are going to keep that promise.

In 1999, the Justice Department brought the lawsuit, and Congress could have provided a different way to fund it. We could have funded it. We could have provided a clear appropriation for the lawsuit. But Congress refused to do that. So the Justice Department went to the various agencies to seek a transfer of funds. They went to agencies that are affected. They did this under a law passed by this Congress, and they went to the Department of Health and Human Services and said, you are going to be affected by this lawsuit, because if we can recover money from the tobacco industry for Medicare, that will allow us to fund Medicare; and, therefore, we want to have you help us through the department appropriation pursue the litigation.

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Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to the amendment that is before us. Mr. Chairman, this is an issue that has been spoken to by this Congress. This amendment is clearly an effort to circumvent the will of the Congress. It is also an improper way to insert itself between States and the courts in efforts to settle this issue in a proper way. In my opinion, this is an improper use of the Department of Justice, to try and do things that are driven by personal political agendas.

That is not to say there is anything wrong with the personal political agendas that continue to attack tobacco
farmers and people who make a living in the tobacco industry, but there is another side to the story. I appreciate the putting together of the very good bill by the gentleman from New York (Chairman WALSH), and I think the issue here of keeping this $20 million of hard-earned taxpayers' money from doing things that we do not intend as a Congress to do is a wise and proper thing.

Last fall North Carolina and other States were besieged by a horrendous hurricane. President Clinton went to Tarboro, North Carolina, and spoke very eloquently about the need to help our tobacco farmers, and then turned around and provided another Federal lawsuit to continue to break the backs of their efforts to support their families.

I wrote to the President on September 24 and asked him to reconsider, because after 6½ years of being besieged by one assault after another from the Federal government, this was not the right thing to do.

Again, Mr. Chairman, I would respectfully request a strong no vote on this amendment because it is the wrong thing at the wrong time.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to me there are two issues here. They are very simple. Number one, do we keep our promises, that is the first issue. The second issue is, when it comes to issues of facts that may be in contention, do we believe?

First of all, who do we keep our promises to? In this instance the question is, will we keep our promises to the veterans of the United States who fought, put their lives on the line, and represent and defend our country?

Back in 1998, Mr. Chairman, Congress passed a highway bill that had in it an unusual provision. It ended the policy of providing disabled veterans benefits from tobacco-related illnesses. That was a spurious provision.

Notwithstanding, and let me say that I think it was not only spurious but I opposed that provision, but notwithstanding that, that bill passed. But within the same bill was a promise, a promise that told the Attorney General and the VA Department to sue the tobacco companies so more money, more money will be available for veterans' health care.

More money for veterans' health care. That is the promise, I strongly support keeping that promise. That is why I support the Waxman-Evans-Hansen-Meehan-Stabenow amendment, because it honors the commitment we made to veterans back in 1998.

With regard to who do we believe with regard to a contention of facts, the question is, do we believe the tobacco companies, the same tobacco companies who, back in 1994, the seven top executives came before the subcommittee of the gentleman from California (Mr. WAXMAN), and all of them under oath denied a couple of key questions?

One, they denied before his committee under oath and answered the question were they intentionally marketing their product to children, and they said they were not, while at the same time Joe Camel ads were gracing billboards all across America.

For the question of believing in the tobacco companies or a question of believing the VFW, the Paralyzed Veterans of America, the Disabled American Veterans, is the world's largest and richest corporation. The Justice Department litigation itself. If the tobacco companies have not been honest and provide a product that makes people sick and ultimately causes deaths.

Mr. Chairman, we believe that we need to provide more money for veterans and veterans' health care. Supporting the Waxman amendment would do that.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to try to sum up some of the arguments that have been made tonight, comment on some of them, and hopefully refute some of them.

First of all, Mr. Chairman, the tobacco companies never came to me to say they were not, while at the same time Joe Camel ads were gracing billboards all across America.

But that is not the point. The point here is that the Justice Department should be responsible for paying for this lawsuit. They did not come to the Congress when they sued Microsoft, and we would not have put money in the budget for the Justice Department litigation itself. If the Justice Department itself could not get the money out of veterans' medical care to do with veterans and their health care.

Now, the Department of Justice insists that if it cannot get the funds transferred from the VA and DOD and the HHS and other affected agencies they will not be able to pursue this litigation, because we did not fund the Justice Department litigation itself. If we would have put money in the budget for the Justice Department litigation against the tobacco industry, they would not have to seek funds from the Veterans Administration.

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

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

I just want to respond to the point that was just made. The bill out of the committee has the words "None of the foregoing funds may be transferred to the Department of Justice for the purpose of supporting tobacco litigation."

So without changing the bill, that rider would prevent transferring the funds from VA to the Department of Justice to pursue the lawsuit.

Now, the Department of Justice insists that if it cannot get the funds transferred from the VA and DOD and the HHS and other affected agencies they will not be able to pursue this litigation, because we did not fund the Justice Department litigation itself. If we would have put money in the budget for the Justice Department litigation against the tobacco industry, they would not have to seek funds from the Veterans Administration.

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

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to make sure everybody was clear. The language that we are talking about, is it not in the medical care title of the bill, and all funds going to that amendment are medical care funds?
Mr. WAXMAN. If the gentleman will yield further, Mr. Chairman, the section you are talking about is the veterans' health care section. In the veterans' health care section, there are funds for litigation expenses and administrative expenses.

Our amendment to the rider says that they didn't transfer funds except from the administrative and litigation part of the VA health care funds. If we sought to transfer funds from somewhere else in the Veterans Administration, it is our understanding there would have to be a reprogramming of funds, which means legislation to allow that reprogramming of funds.

If I had offered an amendment to say that somewhere else in the funds from the Department of Veterans Affairs funds could be transferred, as I understand it, a point of order would be permitted against that. So we sought to transfer funds from the veterans' health care.

Another reason why we did that is the veterans' health program is the area that will benefit from the litigation against the tobacco industry. It is the reason why the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, all are supporting this amendment, because they want the litigation to continue.

The American Legion has indicated they want the litigation to continue as well. The only way it will continue is if we can get funds transferred from affected agencies.

Mr. WALSH. Mr. Chairman, if the gentleman will yield further, the funds are in the medical care portion of the bill. If the gentleman had offered general operating funds or construction funds or any other funds, we would not have that argument today.

I would just remind the gentleman that every one of those veterans' organizations that supported the suit, and they support the suit, I am not making that an issue, but what they are saying is, do not use our medical care money. Support the suit, but do not take it out of medical care.

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

Mr. EDWARDS. I yield to the gentleman.

Mr. KUCINICH. Mr. Chairman, it is very clear here, we are being given a choice whether we are going to stand up for our veterans and make sure they get the health guarantees and to protect them, that is why we are here, or whether we are going to cave in to the tobacco interests. That is what it appears is the easy choice here.

Mr. EDWARDS. I think the gentleman makes a good point.

I would like to remind this debate and discussion, if the amendment of the gentleman from California (Mr. WAXMAN) was not necessary to help the Justice Department pursue litigation against the tobacco companies, I am curious to know why the tobacco companies are opposed to the amendment brought by the gentleman from California.

I have a hard time believing that the tobacco companies, through the production of their product, which has cost the VA and veterans billions of dollars in this country, not to speak of millions of lost lives, I have a hard time believing that they are getting involved in this debate because they are trying to help the veterans of America.

Mr. Chairman, I would like to just point out a fact. The fact is that each year when 400,000 Americans die because of tobacco-related diseases, that is four times as many people, Americans, as were killed in both the Korean and Vietnam wars combined.

It seems to me that, when we start the day with our hand over our heart and say the pledge of allegiance to the flag in this room, one thing we ought to agree on when we say liberty and justice for all is that justice ought to apply to everyone in America.

All we are saying is the Justice Department ought to be adequately funded to take this lawsuit to the courts of this land.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRANK of New Jersey (Mr. FRELINGHUYSEN). Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN). Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I discussed privately with the gentleman from California (Mr. WAXMAN), and let me reemphasize what the gentleman (Mr. WALSH) has had. If the gentleman from California had taken it from some other section other than the medical care account, certainly I think the large majority of us would be 100 percent behind him.

Many who support the Waxman amendment claim that this language or rider in the VA–HUD bill would stop the lawsuit from going forward. None of us have any problem with the lawsuit from going forward. Some may, but certainly not yours truly. There is no language in the VA–HUD bill that prevents the Justice Department's lawsuit against the tobacco industry from going forward.

The language prevents the VA from using the money from the veterans medical care account, it does not prevent the VA from taking money from another account in this bill, not the medical care account. That is not to be used directly to provide medical care to veterans.

This amendment claims that the bill provides special protections of the tobacco industry. It does not. But it does provide special protection to veterans, making sure that money intended for their medical care is used to pay for doctors' visits, inpatient treatment for veterans with posttraumatic stress disorder, fulfilling of prescriptions, hepatitis C testing and treatment, and other critical health needs.

Much has been made of letters from veterans organizations before this body this evening. I am a member of the American Legion. I am a member of the VFW. I have a letter here from the American Legion which I would like to introduce into the debate since it has been referenced that Congress is supporting the Waxman amendment.

This is dated June 15. This is from the American Legion, mind you, and I quote, "Taking health care dollars from the VA to pay for litigation is counterproductive, especially with the growing demand for services by the aging veterans population."

Continuing under quotation marks, "The American Legion strongly encourages Congress to identify $4 million in the projected surplus to be earmarked in the Department of Justice's appropriation bill to pay for the VA's share of litigation. VA funding should be used for its intended purposes, and that is why we oppose the Waxman amendment."

I get no support from tobacco. Tobacco kills. But we do not need to take money away from veterans' medical care to pay for this litigation. Within the Department of Justice, it is interesting, Mr. Chairman. The Department of Justice has an overall budget of about $20 billion. There are 2,374 general authorized attorneys, tax, civil, et cetera; 351 antitrust; U.S. attorneys, 4,906; 225 special 7,931 attorneys in the Department of Justice.

There are enough attorneys and there is enough money in the Justice Department to fund this lawsuit. They do not need to take it away from veterans' medical care.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a couple of fallacies, it seems to me, in the arguments being made against this amendment. To begin, it should be clear that the Justice Department cannot use volunteers. People who said, well, they have enough money. Members will recall that the Justice Department has been criticized by some, including some on the other side of the aisle, for not prosecuting more gun cases.

The Justice Department is under pressure to do a number of things. Tobacco litigation is very expensive. Tobacco litigation involves a good deal of effort. It is not simply sending a lawyer into court to make an argument. In fact, the discovery and the pretrial work is very significant.

Now, it turns out, as we know, that funds invested by governments in tobacco litigation bring a very good return. We have a good deal of useful
work being done in the various States right now because the States brought tobacco litigation and won it, and we are trying not to take money away from that level. So the money will be returned in multiples to veterans health.

Now, people said, well, we do not need to take it out of veterans health. I would say this, we are going to pass this bill, not with my vote, because it is miserably underfunded almost everything, and we are going to send it to a conference. If in conference the appropriators decide that a different account is a better source of this funding, they are free to do that. But I think it is very clear, this vote today will be taken as kind of a referendum on whether or not there ought to be this participation in the lawsuit.

I stress again, funding it entirely out of the Justice Department's account, given the expense of such a lawsuit. Given the other demands of the Justice Department it is not going to fully fund both this lawsuit and the other law enforcement priorities we have and which I feel we have urged the Justice Department to take on.

Now, let us be clear what we are dealing with here. If I listened, if I hear correctly, some of my friends on the other side are saying, well, we are funding this lawsuit, but we do not want to take it out of veterans health. This is the constant refrain we heard last week and we will hear for the rest of this month dealing with the appropriations bills.

We should be clear where the problem started. It started with a foolish budget, a budget that Members on the other side voted for, knowing it was inadequate. It is a good thing we do not vote under oath around here or some of my friends would have had some problems, voted for a budget that they knew substantially underfunded a whole range of government activities.

Now, every time an appropriations bill comes up, we are in this game, we had it last week, Indian health versus the arts, now it is veterans' health versus a lawsuit that is going to bring more money for veterans health. It is constant.

But I think we should be very clear before we sympathize with those who lament this terrible choice that this is an entirely self-inflicted wound. People who voted for a budget that they knew to be inadequate have really no right to come before us and say, gee, you are making us make terrible choices.

Revenues are increasing. There are important needs in this society that must be met together. Much of what we want we can do individually. Much of what we need to satisfy the quality of life may have to come from individual spending. But some things can only be done jointly through government.

What we have is a budget that substantially underfunds these necessary elements, including the lawsuit. Lawsuits are not free. Discovery is not free. The tobacco industry will put up a very deep pocket. We have lawyers in this regard. We need to have an adequately funded public advocacy group to go on the other side. That is really what we are talking about.

Now, I would agree, and the appropriators have this power, if we win this amendment, the House will have spoken. We want there to be an adequately funded lawsuit without it necessarily coming at the expense of gun law enforcement or other kinds of enforcement at the Justice Department or antitrust for which the need seems to be growing.

Then it will be up to the appropriators in their conference to decide. If they can find a better place to fund dollars that will be major services. If they came back from a conference with an appropriation and said, well, we are not going to take it from here, we are going to take it from there, that will be okay.

But what I fear will happen is, if the amendment is not accepted, we will then have an argument that will say, hey, the House voted not to let you do this. The argument will go from a narrow technical discussion of this particular account to a more general assault on the notion of the lawsuit.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am frustrated by what I am hearing from the other side on this debate. The argument is put forward that we do not want to use funds in the health care area of the Veterans Administration's budget because we do not want to use funds that should go for health care.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

On request of Mr. WAXMAN, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 3 additional minutes.

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, now of course nobody wants to use health care dollars to pay for services for a lawsuit. That is why we wrote the amendment to say that health care services dollars cannot be used for the lawsuit. But there are provisions in that budget for litigation and administrative expenses.

Now, we are told, well, that is still not good enough. If we had taken it out of the general operating budget for the Veterans Administration, that would have been okay. Well, we hear that now we are going to charge it to the committee, but no one came forward with that idea earlier.

So what we have is an amendment that will say let us take the money out of the administrative and litigation part of the VA health care budget and pursue what can be a return of a great deal of the money to go into veterans health. That is why the veterans groups supports this. The Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, the AmVets organization supports this.

They certainly do not want to see any reduction in health care, and they would otherwise agree with the gentleman from New York (Mr. WALSH), chairman of the subcommittee, on that point, but they do not agree with him on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I believe we have too little in here for veterans health care. I have to say, however, this $4 million, especially as the gentleman from California (Mr. WAXMAN) explains it, is not a threat to veterans health care.

Now, losing $20 billion so Bill Gates does not pay any estate tax, that cuts into veterans health care. Lavishing money on wealthy people in tax cuts elsewhere cuts into veterans health care. A military appropriation that goes way beyond what is reasonably necessary, that gets into veterans health care.

What we have here, and everybody understands this, they will go to the conference, and they can come out and account for this however they want.

What we have here is legislation which has a stricture against using money to contribute to the Justice Department so we can have an adequately funded lawsuit.

If this amendment is defeated and if this bill passes with antitobacco lawsuit language in it, we all know that it will be interpreted by many in the leadership of the Republican Party working with the tobacco industry on this particular point as a lawsuit at all. It will be part of a campaign to get the lawsuit dropped altogether.

So I will defer to the gentleman from New York (Mr. WALSH). He has done a good job about the sow's ear he was given. He did not even get the whole ear. He got the sow's earlobe. I do not expect him to be able to give us much soap with a sow's earlobe, but that was that foolish budget that he was stuck with and an inadequate quality allocation.

So have confidence on this point. I believe if we pass this amendment and the House says yes, we want there to be a contribution so we get a very adequately funded lawsuit so we can go up against the best lawyers in the company that the tobacco industry will have. I will be confident that they will be able in this budget to find money.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.
(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, we know finally that this is not the real budget. This is the fake budget. Everybody knows that this budget is too low. But we have people who do not like to admit that they were wrong. They do not like to admit that they were wrong in 1997 with that Balanced Budget Act with those silly caps. They do not like to admit that they voted for an inadequate budget out of party loyalty earlier.

So this budget will go out of here inadequately funded. It will go to the other body. It will go into negotiations with the President. Low and behold, it will get bigger.

So we should not fight too much about which inadequacies we deal with here. Let us make a statement in principle that we are in favor of the tobacco lawsuit; and when this bill goes to other places which are a little less addicted to unreality, and adequate funding magically appears, then we will be able fully to fund the contributions to the lawsuit and I hope to do even better for veterans health than we have done in this budget.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number words.

Mr. Chairman, we all know that the story of the propagation of tobacco use in our country by the tobacco companies is a sad and sorry one. We all witnessed the spectacle of executives of the major tobacco companies coming before committees of this Congress and claiming that tobacco was not addictive and that, furthermore, they did nothing to make it addictive.

We now know, of course, that is all untrue. They knew from the very beginning that tobacco was addictive and they were manipulating their product to make it as addictive as possible. At the same time, they were engaging in a number of activities which were designed to propagate the use of tobacco among young people and as young as possible so that this habit could be ingrained in them throughout their lives, which inevitably would be made and have been made much shorter as a result of the tobacco product.

One of the ways in which the tobacco companies designed the use of their product was to give free cigarettes to service people. I was in the service myself. I saw that happen. As a result of that, a lot of young men and women, too, became addicted to tobacco products as a result of the availability of these products, and even the free availability of these products from the tobacco companies.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words; and as I see the Chair performing once again so admirably well in a somewhat difficult debate here this evening, I am reminded of how we will miss him and he is gone at the conclusion of this term.

Mr. Chairman, let me just say a few words, first of all, as someone who is on the Committee on Veterans' Affairs and as a family doctor who trained in two different veterans hospitals, one in Oregon and one in Arkansas, first as a medical student and then as a medical resident, that I can assure my colleagues my vote tonight for the Waxman amendment will not be a vote to take away dollars from the veterans' health care.

I have looked at the language for this. Federal facilities, such as the veterans' health care system, veterans hospitals, have legal funds and they have administrative funds. The Waxman amendment very clearly states that these dollars would come from the legal and administrative expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States. There is nothing in there about taking dollars away from x-rays for lung cancer, there is nothing in there about taking away dollars for coronary artery bypass graft surgery, there is nothing in there about taking dollars away from any other kind of health care screening or treatment or disability.

We are talking about having a legal fund that is part of the veterans' health care system and just countering the language in the majority's bill that these legal funds cannot be used for this lawsuit. And, yes, they can be used for this lawsuit. The money for administrative and legal expenses can be used for this lawsuit.

About a week ago I went to a fund-raiser for an organization in my town that is actually housed in one of our VA facilities. They lease some space for it for a really fine hospice program. And I just happened to be sitting next to a woman who, as it turned out, we had a mutual friend. Her new daughter-in-law used to work for me. And we began talking, and she told me how her 2-year-old daughter had died 7 years before from lung cancer, a remarkably young age. But, of course, like so many of us American kids that start smoking when they are 14, 15, or 16, that can be a 20-year history of smoking a pack a day. And it really is the ominous nature of what we are talking about here and the dramatic effect this can have on people's lives.

Like the gentleman from Iowa (Mr. GANSKE), who spoke earlier, multiple times, as a medical student and as a resident, I have neither dealt with folks in the end stage of some tobacco-related illness or had to be the one to tell Congression
them that they had a lung cancer or that their health had deteriorated because of tobacco use.

So this is a big deal in the veterans' health care system. Frankly, I do not understand why the majority is drawing a line in the sand over the Waxman amendment when it so clearly states these funds would only come from administrative and legal expenses, not from health care. And, frankly, I am starting to resent the implication that by voting for the Waxman amendment that somehow I, as a family doctor, am voting to take away health care dollars from the VA. That is not what this amendment is about, and that is certainly not what the American people want or expect us to do. They expect us to find dollars to provide for our veterans' health care.

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

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me. I hear from the other side the argument that they would like to have it come from the Department of Veterans Affairs but not from this particular section. And the reason I did not offer it in any other way is because of the possibility of a point of order.

But if we are willing to have this worked out, I could, by unanimous consent, if everyone would agree, to change the amendment to say, on page 9 line 3, after the word insert the following, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Let me put that forward and see if that resolves the opposition. Because I have no hard people on the other side, say they do not want to fund the litigation, although we think that they would pull the plug on the litigation if they have that rider that has come out of the Committee on Appropriations. But if it is a more acceptable route, maybe we could do that, as long as we are funding the litigation.

So we would say, in effect, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

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

Mr. SNYDER. I yield to the gentleman from New York.

Mr. WAXMAN. Mr. Chairman, responding to the gentleman from California, first of all, we have had about 3½ hours of debate now on this amendment, and if the gentleman would like to change the amendment, we would be glad to take a look at the language; and if the language is in order, then we would take it at the proper point in the bill. But I would remind the gentleman that we only preclude the use of funds in the medical care portion of the bill.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WALSH. Mr. Chairman, if the gentleman will continue to yield, as we tried to explain, and if the gentleman had presented his amendment to us at the beginning of this, before we began to debate, we would have been able to maybe work through this a little easier.

Let me read the language in the bill. It says, "None of the foregoing funds," meaning the funds within the medical care portion of the bill. And I would restate that, "None of the foregoing funds," meaning the medical care portion of the bill, "may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

So the only funds that the gentleman can transfer are in the medical care portion of the bill, that the Justice Department cannot get at, are in the medical care portion of the bill. So I do not believe there is any need for any additional language.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I did not quite hear the last point the gentleman made. The gentleman is saying we do not need another amendment if we accept the idea that it is coming out of the Veterans Administration?

Mr. WALSH. If the Veterans Administration decides that they want to use funds to provide to the Justice Department's lawyers, they would have to come back to the gentleman from West Virginia (Mr. MOLLOHAN) and I for reprogramming.

Mr. WAXMAN. If the gentleman would yield further, it seems to me, that is the point of the gentleman, there should not be any problem with having a unanimous consent understanding right here and now to put this in the bill.

If the gentleman is saying we do not need it, I disagree with the gentleman. Because as I understand it, the Veterans Administration would then have to reprogram funds, and that would require legislation. But if the gentleman would permit, I will make a unanimous consent.

Mr. WALSH. It does not require additional legislation.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has once again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, what this really is, when we couple the refusal to appropriate the dollars in one subcommittee with the limitation on transfers from other agencies with the requirement for reprogramming, we have a three-pronged attack that winds up enabling people to pretend that they have not blocked the tobacco suit when in fact they have.

It is a way for the Congress to cover itself and pretend that it is not stopping the suit against the tobacco companies when in practical terms the way this institution operates we know that it is shutting down and closing every door available to the Justice Department to pursue that suit.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has once again expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

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

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we are getting close, I think, to the end of this debate, and I just want to summarize where we are.

We argued that we should not preclude the transfer of funds so that the
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AYES—197

Abercrombie
Ackerman
Ackerman, Peter

city it does not like. Which industry will be the next victim of this punitive action?
The tobacco industry, in accordance with the terms of its 1998 settlement with the states, has changed its marketing, advertising and business practices. The industry is also paying the states billions of dollars.
Now the Justice Department wants a share of this revenue stream. The federal government and is willing to further sidestep Congress and take money from veterans programs to try to get it.
The Justice Department needs to stop stealing veteran's health care funds to pay for its baseless lawsuit. This suit claims the federal government and the public were deceived about the health risks of tobacco products. The same federal government that claims it was “deceived” has required health warnings on tobacco products since the 1960's. The Surgeon General's 1964 report details the risks of tobacco use. The Justice Department must not as stupid as this lawsuit claims—people know the health risks associated with use of tobacco products. It is absurd to claim ignorance on this point.
Adult consumers have the right to make risk judgments and choose the legal products they use. They also need to take responsibility for those choices.
No federal law gives the government authority to collect Medicare funds as proposed in this lawsuit. Three years ago, Attorney General Reno testified to the Senate that no federal cause of action existed for Medicare and Medicaid claims. Suddenly she has changed her tune under pressure from the White House. The Justice Department, on the same day it announced this civil lawsuit, ended its five-year investigation of the tobacco industry without making any criminal charges.
Last year the Congressional Research Service concluded that with a full accounting of costs of lifetime government funded health care and benefits for tobacco users and tobacco businesses, the federal government actually nets $35 billion per year. There are not costs for the federal government to recover. It is already making money off of tobacco use, and this Administration only wants more.
The absurdity of this legislation by litigation aside, one issue should be clear to everyone today. Veterans' health benefits are not intended to pay trial lawyers in a politically-motivated lawsuit. This is not a rider; this is not special treatment. This is Congress carrying out its role in appropriating how tax dollars are spent. The Justice Department must follow Congressional intent. If it wants to fund this suit, it should do so with its funds, not the veterans'. Please vote no on this amendment.

The CHAIRMAN. The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 197, noes 207, not voting 30 as follows:

[Table of votes]

Mr. LEWIS of Kentucky. Mr. Chairman, I urge Members to support our amendment and this amendment would take the funds out of the litigation and administrative expense part of the Veterans Affairs health program, and allow the use of it to pay for litigation expenses for the tobacco companies.

We think that will produce a great deal of money for the Veterans Administration's health care program.

Not only do we think that, but the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS agree with us. That is why they are supporting our amendment.

A recorded vote was ordered.

[Table of votes]
June 19, 2000

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Goode        Goodlatte        Gordon        Green (WI)        Gutierrez
Mansinio    McCurry          McGhin        McCutcheon       Miller (FL)
Scott        Sessions         Shadeeg       Shaw             Shinkus
Jimery       Metcal            Show          Smith-Rhine      Skene
Ose           Simpson         Smith (MI)     Smiley         Smith, Steve

Mr. HILLIARD changed his vote from "aye" to "no."

Ms. MILLENDER-McDONALD, Mr. Chairman, on rollcall No. 293, I was unavoidably detained and was unable to make this vote.

After further consideration of the joint resolution (H.J. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-681) on the resolution (H.R. 4201), NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the joint resolution (H.J. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. GILMAN. Mr. Speaker, I seek unanimous consent that the Committee on International Relations be discharged from further consideration of the joint resolution (H.J. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

Mr. Speaker, in September, millions of Americans will gather around their televisions to watch our Olympians compete in Sydney. Who among us can forget the amazing feats of the Olympians throughout the years. While each

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Mr. Speaker, in September, millions of Americans will gather around their televisions to watch our Olympians compete in Sydney. Who among us can forget the amazing feats of the Olympians throughout the years. While each
of us has our own memories of the greatest Olympic moment, the Olympics give the world a collective sense of oneness and pride that many times is lost in the worlds of professional sports and business and politics. Through the years, U.S. athletes have not only been outstanding standard-bearers of the Olympic ideal, but they have consistently been among the world’s best in the athletic arena.

I had the distinct privilege to represent my country three times in the Olympic games. Each experience was different, but each represented the opportunity to put on the uniform that read USA. Not long before I attempted to qualify for the 1964 games in Mexico City, the unrest and the civil rights movement, I also remember the countless world records and Olympic records set during the track and field competition. In 1972, I watched in horror as Israeli athletes tragically lost their lives in the aftermath of a terrorist attack. The games did go on, most importantly to show that terrorists would not break the spirit of the Olympic ideal of a more peaceful world.

In 1972, I also had a personal tragedy as the favorite in the 1500 meters for the United States; and with the world watching, I was tripped and fell and was not knocked out of the competition. I cannot begin to describe the anger and disappointment I felt at that moment. However, I no longer feel that was a tragedy. Rather, I point to that event as a turning point that taught me there are greater things to life than winning. It brought to new life the importance of God and family in my life.

Every Olympian has their own stories to overcoming long odds and personal triumph, regardless of whether they stood on the podium and received a medal. It is my honor to stand on the House floor in their place.

Mr. Speaker, as we look toward the next century of the Olympic Games, I ask my colleagues to join me in honoring our Olympic athletes and coaches along with their families and supporters.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation, I would like to make a few additional points.

First, I would like to congratulate the gentleman from Kansas (Mr. RYUN), on behalf of all of us in the House for being a distinguished Olympian in and of himself, and it proves once again the greatness of this country, that a person like the gentleman from Kansas (Mr. RYUN) would get a chance to work in the Olympics and then come and be in the Olympics of legislation.

We are delighted. The Olympics obviously are a significant event for all nations to share in the accomplishments of men and women in the area of athletics.

Mr. Speaker, I would like to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for expediting this matter, and the gentleman from Kansas (Mr. RYUN) for bringing it to our attention. We strongly endorse it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OsE). Is there objection to the request of the gentleman from New York?

The Clerk read the resolution, as follows:

H. Res. 259

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs in their states;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic team and aspire to compete in the 2000 summer Olympic games in Sydney, Australia, and the 2002 winter Olympic games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic team; and

Whereas June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

The resolution was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their records on House Resolution 259.

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

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING TROUBLED PRE-ELECTION PERIOD IN REPUBLIC OF ZIMBABWE
Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 500) expressing the sense of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe, again, the House needs to understand why we are proceeding with this bill in an expeditious manner.

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

Mr. HASTINGS of Florida. I yield to the gentleman from New York for an explanation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the people of Zimbabwe will go to the polls next weekend to elect their parliament. Since its independence 20 years ago, Zimbabwe has been, in effect, a one-party state. The liberation party of President Robert Mugabe, which emerged from a war, for majority war with slogans shouting for equality and justice, has become thoroughly corrupted by the absolute power that it has enjoyed these past 2 decades.

Change is now at hand. The people of Zimbabwe are patient, but their patience appears to have come to an end. Candidates from parliament for the opposition parties have registered in record numbers. The leading opposition party appears to have overwhelming support among the urban populations of Zimbabwe. But President Mugabe and his party cronies who have grown rich in government do not want to accept an honest
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political contest. He has used land reform as a political wedge issue for years, refusing credible programs that would have addressed the issue in favor of a soapbox for demagoguery. Now he has taken extreme measures, provoking widespread violence against farmers, teachers, and farm workers.

The citizens of Zimbabwe remain steadfast. The murders, the beatings and harassment that have been visited upon them have merely strengthened their resolve.

H. Res. 500 expresses this Congress’ profound dismay at these kinds of practices. It also conveys our solidarity for the people and our support for those who struggle for democratic freedom wherever they may be.

I would like to thank our friend and distinguished colleague, the gentleman from New York (Chairman Gilman) for expediting this matter and, the Chair of the Subcommittee on African Affairs, ably led by its distinguished chairman, the gentleman from California (Mr. Royce) and the gentleman from New Jersey (Mr. Payne), who are also co-sponsors. They held an informative and timely hearing on the situation in Zimbabwe just last week.

Accordingly, I urge our colleagues to join in support of this measure.

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I would like to make some additional points.

First, I would like to thank the gentleman from New York (Chairman Gilman) for expediting this matter and, and the Chair of the Subcommittee on Africa, along with the ranking member, the gentleman from New Jersey (Mr. Payne). It was my pleasure to be a co-sponsor with the chairman of this resolution.

It is simple but it strongly condemns the ongoing spiral of political violence in Zimbabwe. Mr. Speaker, for those of us who cherish life, liberty, and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious, but quite painful.

As we witness the escalation of violence in that tiny nation, it appears that democratic forces and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

First, I am gravely concerned about Zimbabwe’s economic downturn and that government’s inability to control the inflation, unemployment, and violence. The economy has suffered and continues to suffer and Zimbabweans are paying a terrible price. Agricultural production is down and inflation is over 70 percent. President Mugabe must immediately demonstrate a willingness to address this economic problems strategically and equitably.

Second, I would like to express my deep concern for the people of Zimbabwe by condemning the many egregious acts of violence and intimidation occurring there against both Zimbabwean farm workers and individuals who support opposition parties.

Recently, the chairman held a full hearing on this matter in the Subcommittee on Africa, and we heard from one of those members of the opposition party by way of technology that is now being utilized in Committee on International Relations. The ruling party militants have attacked teachers and health workers, forcing many to flee their clinics and schools in the wake of pre-election violence. I strongly condemn the widespread and violent attacks in Zimbabwe, including reports of murder, rape, beatings and burning of homes.

Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. However, the police and security forces have been largely peaceful, theovers have been largely peaceful, the elections to be illegitimated and have ordered the military to enforce the court orders, and it is now perceived that the Zimbabwean government is countering the rule of law.

Mr. Speaker, the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, this resolution is simple, but it strongly condemns the ongoing spiral of political violence in Zimbabwe. It further condemns all violence directed against farm workers; recognizes that a bipartisan delegation traveled to Zimbabwe under the auspices of the International Republican Institute and the National Democratic Institute for International Affairs, to monitor elections scheduled for June 24 and 25, 2000; and urges President Mugabe and his ruling Zimbabwe African National Union-Patriotic Front to enforce the rule of law, and support international efforts to assist land reform.

Mr. Speaker, for those of us who cherish life, liberty and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious but quite painful. As we witness the escalation of violence in that tiny nation, it appears that due process, free speech, and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

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Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. The results of the February 12th referendum provided additional momentum for demographic reform activists. The people of Zimbabwe sent a message by their ballot that a constitution perpetuating state power was not acceptable.

And in the interest of time, I would just like to say that the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, I continue to believe that we must act swiftly to avoid further disaster. I believe that with Sierra Leone in a state of anarchy, the Democratic Republic of Congo a battlefield, and the other parts of the African continent undergoing cataclysmic upheavals, we cannot allow Zimbabwe to collapse as well.

There is still time, but only if President Mugabe listens, acts swiftly and returns to his senses.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

The Clerk read the resolution, as follows:

H. RES. 500

Whereas people around the world supported the Republic of Zimbabwe’s quest for independence, freedom, rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democratic, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president’s authorities to expropriate land without payment;

Whereas the President of Zimbabwe has deferred two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe’s statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas no date has been set for parliamentary elections in Zimbabwe;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe’s economy;

Whereas the economy is being further damaged by the Government of Zimbabwe’s ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of Zimbabweans;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, fair, and peaceful elections within the legally prescribed period;

(6) recommends international support for voter education, domestic election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law-abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation;

(9) recommends that the United States send a bipartisan delegation under the auspices of the International Republican Institute and the National Democratic Institute to observe the parliamentary election process in Zimbabwe; and

(10) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

The resolution was agreed to.

AMENDMENT TO PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GILMAN.

In the 14th clause of the preamble, strike “no date has been set” and insert “June 24 and June 25, 2000, are the dates”.

Mr. GILMAN. Mr. Speaker, I have no comment on the amendment.

Mr. HASTINGS of Florida. Mr. Speaker, we do not object.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by Mr. GILMAN.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 500.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

SENSE OF HOUSE REGARDING INDEPENDENT MEDIA IN RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 332) expressing the sense of the Congress regarding the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, defending the right to object. I believe the House needs to understand why we are proceeding in an expeditious manner, but I would ask the Chair, in deference to the fact that the gentleman from Pennsylvania (Mr. WELDON) has such extraordinary experience in this area, to permit the gentleman to go forward and then allow the gentleman from New York (Mr. GILMAN) to speak.

Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. WELDON), who has a great deal of experience in this area.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to, first of all, thank my distinguished chairman and leader, the gentleman from New York (Mr. GILMAN), and my distinguished good friend, the gentleman from Florida (Mr. HASTINGS), for bringing this very timely legislation and thank all the members on the Committee on International Relations to allow us to make a statement on the seriousness of the situation that is occurring in Russia over the last several months relative to freedom of the press.

As my friend has stated and my colleagues are aware, I have a special interest in Russia. I just made my 21st trip there last weekend with Secretary Cohen, where I was able to attend meetings with him and the defense minister and the leaders of the Duma on improving American-Russian relations.

I felt that we achieved a considerable amount of progress, but I would be less than candid if I did not tell my colleagues that there are serious problems inside of Russia. All of us were optimistic when the new President Putin took over in January and was elected in free and fair elections several months later, but there has been a pattern well documented in this bill of actions against members of the free press, including Radio Free Europe and the independent radio and TV stations in Moscow and, most recently, including the chairman and the head of Media Most Corporation, Mr. Gusinsky.

In fact, the distinguished chairman
knows because he was host to the number two person at Media Most. As the distinguished chairman knows, just several weeks ago he had to order his number two person from Media Most over speaking to Members of Congress expressing the real concerns of what happened with the FSB invasion of their headquarters and the outrage that many of us felt about having this independent media feel the pressure of what appears to be the Putin government, in trying to crack down on the ability of Russians to speak out.

Russia is a fragile democracy, and that fragile democracy is going to exist and succeed only based upon the success of their free media, and we must in America speak out when we see incidences occur like the incident involving the reporter who was responding or reporting on the Chechnyan war. The gentleman from Florida (Mr. GILMAN), continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN, Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his supporting remarks.

Mr. Speaker, House Concurrent Resolution 352, which I have introduced along with the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH), makes it clear that the Congress is greatly concerned by the treatment of the Russian media by President Vladimir Putin and by his government’s increasingly apparent lack of respect for freedom of expression in Russia.

After years of extensive privatization of Russian state-owned enterprises, little privatization has been carried out in major segments of the Russian media. Important segments such as large printing and publishing houses and nationwide television frequencies and broadcasting facilities, have been only partially privatized, if they have been privatized at all.

That failure to privatize key segments of the media presents a tempting opportunity for Russian officials to manipulate the state-run media for their own ends; and in the recent parliamentary and presidential elections, we saw clear evidence that Russian officials have succumbed to that temptation. As this resolution points out, the Russian government’s immense influence over the state-run media was used during those elections to openly support President Putin and the Communist Party in the Kremlin and to attack, blatantly and viciously, those who oppose that party of power.

Mr. Putin probably would not be president of Russia today if such media manipulation had not been used to his own advantage. Mr. Speaker, in addition to that manipulation of the state-run media, this resolution points out that the Russian government and its officials and agencies have also sought to intimidate the independent media. A new Russian Ministry for the Press was created last July, and the Minister for the Press stated quite openly that his job was to address the so-called “agression” of the Russian press. Leading Russian editors complaining in an open letter to former President Boris Yeltsin in August that government officials were putting pressure on the media, particularly through unwaranted raids by the tax police.

In fact, as recently as May 11, Russian military officials were putting pressure on a Russian reporter working for Radio Free Europe/Radio Liberty covering the war in Chechnya, was arrested by the Russian military and then exchanged to unidentified Chechens for POWs. Another reporter was ordered by police to enter a psychiatric clinic for an examination after he wrote articles critical of certain Russian officials.

Mr. Speaker, beyond these examples of the ongoing intimidation of the press by Mr. Putin’s government, this resolution points out a distressing fact that is very relevant to freedom of expression in general in Russia. The Russian Federal Security Service is now moving to ensure total surveillance over the Internet in Russia by installing a system by which all transmissions and e-mails originating within Russia and sent to parties in Russia can be read by its personnel. In this manner, new structures of surveillance over all of Russia’s citizens are now being created.

This resolution, H. Con. Res. 352, makes it clear that the Russian government’s manipulation and intimidation of the media threatens the chances for democracy and the rule of law in Russia and makes it clear that freedom of expression by Russians in general is also under attack by that government and by its agencies.

Mr. Speaker, this measure calls on our President to make it clear to President Putin that the United States insists on respect for freedom of speech and the press in Russia.

Mr. HASTINGS of Florida, Mr. Speaker, continuing my reservation, I would like to make a few additional points, one being that under President Putin it seems that conditions are getting worse. But, more important, I would like to thank the chairman of the Committee on International Relations for expediting this matter and for all of our colleagues that are cosponsors. None are more significant than the gentleman from California (Mr. LANTOS), who, along with the chairmen of the committee, is the author of some of the language that appears in the resolution.

Having that understanding, I would like to reflect on two things. Had he been here and not had the scheduling mix-up that he has, the gentleman from California (Mr. LANTOS) no doubt would have pointed out that under former President Yeltsin, the media enjoyed a reasonable degree of independence and freedom from supervision by the so-called Media Ministry. The gentleman from California (Mr. LANTOS), myself and the gentleman from...
New York (Chairman GILMAN) have expressed our concerns that these actions will exacerbate tension in the Russian media, and Russian society vis-a-vis the government.

Finally, the government of Russia has a right to enforce its laws and investigate illegal activity of its citizens. However, such a selective application of the Russian government’s procuratorial authority, imprisonment before the actual charges are brought and the overall abuse of the Federal authority, does deserve Congressional condemnation.

For the gentleman from California (Mr. LANTOS) and for the gentleman from New York (Chairman GILMAN), I offer my thanks.

Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSÉ) asked, Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 352

Whereas all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the “Press Freedom Survey 2000” reported that over 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program “Top Secret” after it reported Russian corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia’s leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address “aggression” by the Russian press;

Whereas the Russian Ministry of the Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address “aggression” by the Russian press;

Whereas the Russian Federal Security Service or “FSB” is reportedly implementing a technical regulation known as “SORM-2” by which it could reroute all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian Constitution’s provisions concerning the right to privacy of private communications, according to Aleksei Simonov, President of the Russian “Glavnost Defense Foundation”, a nongovernmental human rights organization;

Whereas such surveillance under SORM-2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, a weapon against all offices of “Media-Most”, the corporate owner of NTV and other independent media;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidential election of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya as the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for Reuters News Agency and the “Associated Press” were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and the independent media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky;

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian leadership;

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

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

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the failures of Russian official efforts to manipulate the media for political or corrupt ends;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th raid of Vladimir Gusinsky; and

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and manipulations of the state-owned media in Russia be incompatible with democratic norms.
The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 332.

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

There was no objection.

PERSONAL EXPLANATION
Mr. GREEN of Texas. Mr. Speaker, last Thursday, I was unavoidably detained and missed rollcall votes numbers 285 through 291.

Had I been present, I would have voted present on rollcall 285, yes on rollcall 286, yes on rollcall 287, no on rollcall 288, no on rollcall 289, yes on rollcall 290 and no on rollcall 291.

SPECIAL ORDERS
The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNITY EMERGENCY ADJUSTMENT ACT
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON. Mr. Speaker, we are preparing tomorrow evening to drop an important piece of legislation, a bill whose short title is the Community Emergency Adjustment Act. It is a very simple and straightforward solution for communities who are experiencing sudden economic distress. That sudden economic distress occurs due to plant closures, mergers and acquisitions that lead to dislocation, displacement and layoffs, layoffs that occur because of trade or technology.

I am pleased to announce that we have more than 160 cosponsors, bipartisan support, and I especially want to thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASCHICH) for their advice in pursuing this legislation.

I know firsthand why we seek this kind of remedy. We are experiencing some 1,700 layoffs within my district. What we know firsthand is that there is often a lack of coordination. It is this kind of coordinated effort that this piece of legislation seeks to remedy.

In short, when there is a natural disaster, FEMA comes in and provides an opportunity to make sure that it integrates with all the Federal agencies the kind of emergency response that is needed when communities are experiencing a natural disaster. It is true when there have been base closures in the past that the Department of Defense comes in and also organizes all the Federal agencies that are impacted, and in this way presenting a coordinated effort in assisting the communities through these problematic concerns.

That is not the case currently when layoffs occur, when workers are displaced. So, what this bill seeks through the Department of Commerce is to create in the Economic Development Administration a coordinating entity that will work with our various agencies, that will work with the Department of Agriculture, Small Business Administration, the Treasury, Labor, HUD, and, of course, the Department of Commerce itself.

The purpose here is to appoint a team leader. Again, when communities are experiencing these kinds of layoffs, currently the communities involved have to reach out to the various Federal agencies. What this will do when a community experiences the economic distress that I have talked about is it will provide the Department of Commerce with the opportunities to come in and coordinate this assistance, so it will be both cost savings, efficient and effective and assist our communities and assist those who are being displaced, those who have been laid off, with getting the kind of immediate coordinated assistance that they expect from the Federal Government.

I want to thank as well the administration, especially the Department of Commerce, for working with us on this approach. We hope to pilot this approach by getting them up to Connecticut and having them work through some of these particularly thorny areas so that we can coordinate in a whole-hearted effort to make sure that workers are receiving the kind of relief that they have.

Mr. Speaker we are seeking original cosponsors on this bill that we are going to drop tomorrow evening. As I have indicated, we have more than 160 cosponsors to what is a very pragmatic, straightforward solution in addressing communities that experience economic distress.

CONGRESSIONAL RECORD—HOUSE
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The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with the request that he transmit a copy of this resolution to the Department of Commerce, for working with us on this approach.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 332.

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There was no objection.

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Mr. Speaker we are seeking original cosponsors on this bill that we are going to drop tomorrow evening. As I have indicated, we have more than 160 cosponsors to what is a very pragmatic, straightforward solution in addressing communities that experience economic distress.
actually attacks our sovereignty. The CRS has done a study on the WTO, and they make a statement in this regard. This is taken from Congressional Research Service on 8-25-99. It is very explicit. It says, as a member of the WTO, the United States does commit to act in accordance with the rules of the multilateral body. It is legally binding to that nation, and we do not conflict with WTO rules. That is about as clear as one can get.

Now, more recently, on June 5, the WTO director, General Michael Moore, made this statement and makes it very clear: the dispute settlement mechanism is unique in the international architecture. WTO member governments bind themselves to the outcome from panels and, if necessary, the appellate body. That is why the WTO has attracted so much attention from all sorts of groups who wish to use this mechanism to advance their interests.

Interestingly enough, in the past, if we dealt with matters, they went to the U.S. Congress to change the law; they came to elected representatives to deal with this, and that is the way it should be under the Constitution. Today, though, the effort has to be directed through our world trade representative, our international trade representative, who then goes to bat for our business people at the WTO. So is it any surprise that, for instance, the company of Chiquita Banana, who has these trade wars going on in the trade fights, wants somebody in the administration to fight their battle, and just by coincidence, they have donated $1.5 million in their effort to get influence?

So I think that the American people deserve a little bit more than this.

The membership in the WTO actually is illegal, illegal any way we look at it. If we are delivering to the WTO the authority to regulate trade, we are violating the Constitution, because it is very clear that only Congress can do this. We cannot give that authority away. We cannot give it to the President, and we cannot give it to an international body that is going to manage trade in the WTO. This is not legal, it is not constitutional, and it is not in our best interests. It stirs up the interest to do things politically, and unelected bureaucrats make the decisions, not elected officials. It was never intended to be that way, and yet we did this 5 years ago. We have become accustomed to it, and I think it is very important, it is not paranoia that makes some of us bring this up on the floor.

Mr. Speaker, we will be discussing this either tomorrow or the next day. We will hear a resolution, and it is not up to the World Trade Organization to decide what labor laws we have or what kind of environmental laws we have, or what tax laws.

COMMUNITY ECONOMIC ADJUSTMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Speaker, first I would like to commend the gentleman from Connecticut (Mr. LARSEN) for working on and developing this legislation and to be able to work with him in recognizing that the economic tide of prosperity has not reached all Americans in every place in America. I would also like to commend him on the ability of working in a bipartisan fashion with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASICH) and other Members, because we recognize that we have to work together across the aisle in order to accomplish things, and anything that is worthwhile to the people that we represent.

New market initiatives that the President has proposed, working with the Speaker, recognize that everyone in every place has not been touched by economic prosperity. So while we are trying to develop markets overseas and go more towards more and more global trade and world trade, we must look in the rearview mirror and make sure that all Americans in all of America have an opportunity to live and achieve the American dream.

Mr. Speaker, this legislation, the Community Economic Adjustment Act of 2000, which I am an original cosponsor of, and together with my colleague, would create a single agency at the Federal level to be able to respond with the same force that FEMA does for natural disasters, that the defense relocation acts as in terms of base closures, would act in terms of economic distress. There are parts of Maine that have over 9 percent unemployment. There have been plant closings which I have been a part of trying to make sure that people have training, education and one-stop centers. When we are looking into the faces and the eyes of people who have nowhere else to turn but an extended unemployment check and relocation costs, we know that we have more to do here in the United States Congress, in the capital of this United States.

That is why this legislation, along with other proposals that the President and the Speaker are pushing, working in concert together, are going to try to make sure that that tide is in all areas of the country and has an opportunity to hit all people throughout this country to give them the same opportunities, to give corporations the same opportunities to invest here; to give the same resources available to people here that we provide overseas, so that they have an opportunity to be able to achieve and strengthen their skills and educational opportunities; and this legislation does it.

The gentleman from Connecticut (Mr. LARSON) and myself and other Members are seeking cosponsors so that we can develop job training and cosponsors on a bipartisan basis. At this point we are talking about over 160 cosponsors so far, to develop bipartisan widespread support in the United States Congress to recognize that we need to have a comprehensive trade policy; that we need to have a comprehensive review of global policies at the same time that we are advancing those policies; that we are trying to make sure that each part of Maine and America have an opportunity, whether it is empowerment zones, enterprise communities, new markets initiatives, or the coordination of these agencies, so that we can begin to do some collaboration here, so that we can have agencies working together and not at cross-purposes.

In this Congress, we have worked very hard to restructure the job training programs so that we did not have job training programs costing over $30 billion. The fact of the matter is, we left out some of the NAFTA job training programs, some of the trade adjustment assistance programs. We did this to make sure that there is coordination and a single source so that when the people are walking into these sources of training and education, that they have this opportunity.

Mr. Speaker, I yield to the gentleman from Connecticut, if I have time, if he would like to comment on this legislation; but I would like to commend him at this time and seek to continue to work with him.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Maine for yielding. I would only add to his eloquently stated vered with regard to the impact that this legislation will have on workers all across this great Nation of ours and in my home State of Connecticut. The fact of the matter is, as the gentleman has pointed out, that as we experience globalization, we know that the blessings of commerce are not evenly spread across this Nation. So that is why it is critically important that the Federal Government coordinate a response in a timely fashion that this legislation will provide.

Again, I thank the gentleman from Maine for his hard work on this bill; and as he indicated, we seek cosponsors as well.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 4 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the
LOOKING AT WAYS TO CONTROL THE RISING PRICE OF GAS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, on June 21, the nations of OPEC will meet once again to determine the fate of practical oil production in this country, and that is whether to increase oil production in those nations. Now, it is no secret, Mr. Speaker, to every family and business across this Nation that gas prices are through the roof. Lately, we have been hearing a lot of excuses as to why that is occurring. But let us not lose sight of why it is occurring. It is fundamentally a law of supply and demand. As we keep down production, and the demand for that product increases, prices will rise. So not only must we call upon our OPEC nations to grow, prices will rise. For months now, more than a year, Members of Congress, both Democrats and Republicans, have tried to plead with the administration to find ways to stimulate domestic production to decrease our reliance on OPEC nations. If they want to keep those production levels at what they are now, fine. That is their right. I do not agree with it, but that is their right. But why can we not, the United States of America, find ways to decrease our reliance upon OPEC nations and look right here in our 50 States to develop ways to lessen the burden to that family at the pump?

Do the math. It is very simple. If you have a 15-gallon tank in your car, and you go to the pump, say, once a week, you are just going to fill up your family car. To take your kids to the Little League game or to school. Over a month, you are looking at another $40 or $50 out of your family wallet. Over 6 months, you are in the $200 to $300 range. If you do a lot of driving, you have to fill up twice a week, we are talking about $500 or $600 for a 6-month period that has got to come from somewhere. It does not fall from the sky; it comes from the family wallet. That means no vacation perhaps; that means maybe we are not going to buy the clothes for the kids for school; maybe we are going to put off buying that microwave oven that we wanted.

What do we hear from the administration? Let us see if there is price gouging. Fine, go, see if there is price gouging. But also be honest with the American people and tell them that there are a lot of unnecessary rules and regulations and a commitment to keep production in this country down.

Only when we are totally honest with the American people can we find ways to truly decrease the price at the pump.

If anybody thinks this is not affecting our everyday American out there, I think they are losing a lot of disks out in Los Alamos that they are so busy they cannot understand what is happening. Small business owners are forced to raise their fees, taxi drivers are forced to find alternative sources of income or go out of a job, small business owners who have to pay this additional freight, the additional gas costs. This is not right, and for so many folks who claim to feel the pain of others, we are turning our cheek, turning our head away from the folks who cannot afford the costs the most.

Mr. Speaker, let me say that I think in more than the keep of promises that were made and not fulfilled, the American people deserve more of a response that allows the United States companies to increase production, to decrease these onerous rules and regulations that do nothing but increase the price at the pump, and give the American family a break.

THE DEMOCRATIC PLAN FOR A MEDICARE PRESCRIPTION DRUG POLICY

The SPEAKER pro tempore (Mr. Osse). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Tonight, Mr. Speaker, once again I would like to talk about the need for a Medicare prescription drug policy, and talk a little bit about the Democratic plan, the President's plan, in contrast with what I consider the lack of plan that the Republican leadership appears to have come up with and apparently is attempting to move through the House over the next week or two.

My colleague, the gentleman from Maine (Mr. ALLEN), has been a leader on this issue and introduced legislation more than a year ago to deal most specifically with the issue of price discrimination.

As he has said many times and I will reiterate, there are really two aspects to this Medicare prescription drug proposal. One is to provide the benefit, and the other is to make sure that the price discrimination that we have witnessed so often in the last few years does not continue.

I would like to commend the gentleman for all that he has done to address this issue of price discrimination with his legislation, and also with his effort to get so many cosponsors to that bill.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding, Mr. Speaker.

Here we are again, back in the well of the House, talking about a problem that is a matter of immediate concern to seniors and others all across the country.

A little history. I want to talk in a few minutes about the debates that are going to come up this week and next week here in the Congress over the issue of prescription drugs, but a little history is worth recalling.

It was almost 2 years ago when I released the first study done by the Democratic staff of the Committee on Government Reform which shows that, on average, seniors pay twice as much for their prescription medications as the drug companies’ best customers, being big hospitals, HMOs, and the Federal government itself buying either for Medicaid or through the Veterans Administration.

That is an astonishing difference, a difference of about 100 percent of the most commonly-prescribed prescription drugs.

Mr. Speaker, tonight, I want to share with the American people, if you will, the history of how we have beenünsted to deal with this problem of price discrimination, and the Democratic effort to provide that relief.

Mr. Speaker, I yield to the gentleman from California (Mr. GAVEL).
We released that first study on July 2, 1998. In September I introduced legislation, September of 1998, that would provide prescription drug coverage for our seniors. It is on Medicare, to all Medicare beneficiaries. The bill would work very simply. It simply would provide that pharmacists would be able to buy drugs for Medicare beneficiaries at the best price given to the Federal government. It is called the Prescription Drug Fairness for Seniors Act, H.R. 664, in this Congress.

Then, in October of 1998, we did the first of the international comparisons. That was a study to show that Mainers are coming up with a prescription drug plan that relies on HMOs and private insurers to offer prescription drug coverage, stand-alone prescription drug coverage. So one of the things we notice is this is the plan that the Republicans are rolling out in the House this week.

What we also notice is that, not by coincidence, the pharmaceutical industry is running ads suggesting that what they actually need is private insurance. What we can see is that the Republicans in Congress are working on this plan, hand in hand with the pharmaceutical industry, hand in glove with the HMOs and the private insurance industry.

Here is the most interesting ad. This ad has appeared as a full-page ad in the Washington Post. This is either from Roll Call or the Hill magazines here. It is in Congress Daily. Everywhere we go in Washington we see this particular ad. I have never seen it in anything less than a full page in whatever publication it has been in.

It is an interesting ad. It says, "Read label before legislating. Private drug insurance lowers prices 30 percent to 39 percent. Shouldn't seniors have it?"

Now, I think seniors should get that kind of discount. That is exactly the kind of discount that is reflected in the Prescription Drug Fairness for Seniors Act. But my bill would provide that Medicare would negotiate lower prices for all 39 million Medicare beneficiaries. Under that kind of plan, Medicare would have real leverage to drive down prices.

What is interesting about this particular plan, this particular advertisement, is that a portion of it reads as follows: "12 million senior Americans now have no prescription drug insurance coverage. As a result, most of them pay full price for their medicines. That is because they don't have the market clout that comes with a drug insurance benefit."

Now, it is interesting, until last week the pharmaceutical industry was attacking my proposal and others on the grounds that if it provided a 20, 30, 40 percent discount to seniors, that they would have to cut back on research and development costs.

Here is an advertisement sponsored by PHARMA, the pharmaceutical industry, basically calling for a 30 to 39 percent discount.

The question that might arise is, why do they not simply give seniors a 30 to 39 percent discount now? They set the prices, they can lower them tomorrow. But they do not. This is an industry ad saying, protect us from ourselves. We are charging seniors far more than we charge insurance companies, big hospitals, and HMOs, and the way to do that is to give private insurance to seniors.

Now, to some extent we might say, well, does that not make sense? But the truth is, there is a glitch. There is a problem. The insurance industry says, we are not going to provide private insurance for prescription drugs. They have said it over and over and over again. Yet, the Republicans in this House are bringing forth a plan that depends on HMOs and private insurance companies.

How does this work? What does it mean? Well, the private insurance, Chuck Schumer and not, even the Association of America, has said, we are not going to provide private insurance for prescription drugs because it is like ensuring against haircuts. There are so many claimants, in other words. They say to people up in Maine, if Maine were a low-lying State and 85 percent of the people every year put in a claim for flood insurance, we would not be able to buy flood insurance in Maine at any price. But 85 percent of seniors in this country take some form of prescription drugs.

So despite the fact that the insurance industry is saying, we will not provide prescription drug insurance for seniors, the Republicans in this House are bringing up a plan that depends on private insurance for seniors. It will not work.

Why are they doing this? What is the purpose of the plan? The only conclusion we can come to is that the Republican plan is not a plan to help seniors afford their prescription drugs. What it is is a prescription for Republican Congressmen. It is a prescription to help them in November by having the appearance of a prescription drug plan for seniors but not the reality of a prescription drug plan for seniors. It is an illusion.

That is why it does not matter to the Republican leadership in this House whether the plan works or not, whether the insurance industry will actually provide insurance or not, whether the plan will ever become law or not. It is designed as political cover. It is designed as a prescription drug theme for the fall elections, but not a prescription drug plan for seniors.

It is America's seniors who need the help. It is America's seniors who write to me, and I am sure to the gentleman from New Jersey, and send us a list of the cost of their prescription drugs. Then they show us what they are earning.

I have had people in my district say, "Here is the list." I can remember a couple of women who wrote to me with basically the same kinds of numbers.
They both said, “My husband and I take about $650 of prescription drugs a month, but our two social security checks only come to $1,350. We cannot pay what's needed to buy these, and I'm not taking my make do,” so they do not take the medication because he is sicker than I am, and we cannot both afford to take our medication. That is wrong in this country. It is absolutely wrong. We have the power in this Congress this year to do something about it.

As the gentleman knows, our task forces on the Democratic side have been working away developing plans that are not good politics, just good policy, policy that will help America’s seniors, a benefit under Medicare that will help so many can get payment for their prescription drugs; so they are not driven to the hospital because they cannot afford to take their medications; so they can pay their rent and their food and their electric bills and still get medications that they need.

That is what we are trying to do on this side of the aisle, but on the other side of the aisle what we have is private insurance. An astonishing ad, this one is. It says, in effect, protect us against ourselves. We are charging seniors too much and we know it, and if they say they were doing something. Seniors need help. They need it now. We can give it to them if we handle this issue right in the coming weeks.

I thank the gentleman from New Jersey very much for yielding to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for putting really so succinctly the difference, if you will, between what the Democrats are proposing and trying to accomplish here versus this Republican essentially sham proposal.

It reminds me so much of the debate over HMO reform, the Patients’ Bill of Rights. Because as my colleagues know, I guess it was about a year ago, maybe 6 months ago, the American people were crying out, we all would go to town meetings and hear from all our constituents about the need for HMO reform.

The Democrats came up with the Patients’ Bill of Rights, which is a very good bill to address the concerns and abuses within the HMO system. We heard the Republicans kept stalling and saying they did not want to deal with it, they did not want to deal with it. Nothing was happening in committee.

Finally, the pressure got so great that they decided to push a bill which essentially accomplished nothing. But beyond the fact that the legislation that was being pushed, particularly on the Senate side, was so weak and so lacking in any kind of basic protections for those who were being abused by the HMOs was the fact that it was very obvious that it was not going to be.

Why not build on the existing prescription drug program? What the President has proposed and what the Democrats in the House and the Senate have proposed is basically adding another part to the existing Medicare program. Everybody who is in Medicare is eligible for it. It is universal. It is affordable. It is voluntary. It is a defined benefit program so one knows that one will get all medically necessary drugs.

It has the effort to address the price discrimination that the gentleman from Maine mentioned with the benefit provider so that, basically, we have these benefit providers that negotiate a better price for the seniors than maybe one pays so much a month and one gets a prescription drug program. Everybody who is in Medicare is eligible for it. It is universal. It is affordable. It is voluntary. It is defined benefit program so one knows that one will get all medically necessary drugs.

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not work. The insurance companies will not sell it. It is a sham. He also came before the Committee on Commerce and said the same thing.

One thing that he said that concerns me a little, he said, I was pleased to see that the Republicans at least have said that, if their private insurance program does not work and they cannot get it sold, then they will fall back on some sort of government assistance for the people who cannot buy private health insurance. Of course I said, well, it is not really clear what they are going to do. What is this fall back? Is it Medicare? They have not said.

I said to Chip Kahn, I said, Well, Chip, does it make sense to have a private insurance program with a fall back when we already have an existing Medicare program that does work that we can just add. That is not a benefit to it? He said, Well, I am not really in a position to comment. Health insurance people do not let me say yes or no whether that makes sense. Certainly I agree there is nothing wrong with having a Medicare program.

They already realize that this will not work. That is why the gentleman from California (Mr. THOMAS) is now starting to talk about some sort of fall back. What does one need the fall back for? Do the Medicare program is the way it has been working for 30 years.

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

Mr. PALLONE. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, the gentleman from New Jersey is exactly right. It is interesting. The Republican plan, because of its reliance on the private sector to deal with the problem of Medicare, is incredibly complex. I mean, basically they create a whole new bureaucracy to deal with this, and then they expect a variety of different private insurance companies and HMOs to pick up and deal with this particular problem.

Well, let us look at what is going on in Medicare right now, in Medicare, managed care. Remember, we passed Medicare Plus Choice plan in 1997. The thought was, well, the HMOs will come into Medicare, and they will save us money because the private sector always more efficient than the public sector. But in truth, the Medicare system, when one is in Medicare, there is no money being paid for profit. The overhead expenses and administrative expenses are far lower than in any private sector health care company.

Look at what is happening with Medicare managed care right now. What we see is, every year, the benefits change. The prescription drug benefits, which in some cases were free, free prescription drugs essentially for no additional premium when Medicare managed care was created. Now the caps keep coming down every year. Now 62 or 70 percent of all plans have an annual prescription drug cap of $1,000 or less. The premiums go up. The copays go up. The

But most striking, it is not available in most places. In seven out of ten counties in this country, Medicare managed care is not even available. It really only works, to the extent it works at all, in larger urban areas. Rural America gets left out. Frankly, maybe that is a good thing right now.

But it is only very limited in my home State of Maine. I mean, no more than 1,500 people in the State of Maine have Medicare managed care plan. Managed care is not working very well with this particular population. We know that because, every July 1, the health care plans report to HCFA, and, again, last year, they dropped 400,000 people. The Medicare beneficiaries, they could not make a profit on those 400,000 Medicare beneficiaries. So they just dropped them from the plan.

July 1 is coming up again. My colleagues are going to see plans all across this country, managed care plans, simply dropping their Medicare beneficiaries because they are not making money on this.

So what do the Republicans do? They say we have got a prescription drug plan, and it relies on HMOs and private insurance companies. With all of the complexity, with all of the inequity, they are saying what we really need is more of a system that is not working.

That is why I keep coming back to the thing that this is bad policy. It is terrible policy. At a recent caucus, a Republican pollster made a presentation, and that material got out and has been published and so on. Now it is one of the facts that is incredibly important that people think, that people believe you have a plan than the content of the plan. So the appearance of the plan is more important than the content of the plan. That is bad.

Basically, if we get the policy right, we will be doing the right thing. That is why, if we are going to make changes to Medicare, if we are going to deal with the Medicare population, if we are going to deal with the biggest problems, which are the Medicare beneficiaries have today, which is the inability to pay for their prescription drugs, then we need to do it through Medicare. Medicare is reliable. It is universal. It is equitable. It is simple. It is cost effective.

I find the cost of providing a benefit would be significant. But there is not anybody in this Chamber who says it is too expensive who does not support a tax cut that is much larger than the annual cost of providing a prescription drug benefit under Medicare.

We can do this. We can do this this year. But we cannot do it with sham proposals, with private insurance companies who say we are not going to provide the insurance.

Let us get to a real proposal. Let us get the Republican benefit and the Democratic discount on the floor for a debate. Then I think we can do the right thing for America’s seniors.

Mr. PALLONE. Mr. Speaker, I agree with the gentleman from Maine (Mr. ALLEN). I guess I just worry that the public does get confused because the Republican leadership proposal is designed to confuse them. I mean, one of the things that I know of, they try to give the impression somehow that if one does not go along with their proposal, and one has an HMO, and one would like the HMO or one has an existing pension plan that provides for prescription drugs, that somehow that is going to change.

That is similar to the existing that I have made clear is that the Democratic proposal is a Medicare benefit, but it is voluntary. We have actually built into the President’s proposal, the Democratic proposal, the idea that about 50 percent of the benefits for an HMO, or 50 percent of the costs if somebody has a drug benefit now through their pension or whatever would be paid for.

We would not discourage people from leaving their HMO if they like it and they have a drug benefit or leaving their other private plan that they might have through an employer that they like, because we are going to build in that about 50 percent of the cost of that drug plan in both of these cases would be paid for by the government through this Medicare program.

But what we are saying is that for those people who do not feel that they have a good program either because they have nothing or because they do not have a good program will be guaranteed a benefit if they do opt to pay for their premium per month just like they do with part B.

It just seems to me it makes a lot more sense to say on the one hand everybody is covered who wants it. If one does not want it, one does not have to opt for it. Everybody has got a specific benefit that they know is guaranteed. Then if one wants to opt out, one can. But not to build, as the gentleman, says, this bureaucracy which is very similar to the existing HMOs.

Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for joining me this evening. We are going to continue the battle on this.

Mr. Speaker, I wanted to go into a little detail about what the Democratic proposal is, which is essentially the President’s plan. In describing what the Democrat proposal is, I am relying on the testimony that was made before the Committee on Commerce, of which I am a member, last week by Nancy-Ann DeParle, who is the administrator of the Health Care Financing Administration, which administers Medicare and would also continue to administer
the prescription drug proposal under the President’s plan which, as I said, is essentially the Democrats’ plan. This is because I do not want to just talk about why the Republican proposal is bad, I want to explain what the Democratic proposal is and why it is a good plan.

Basically, under the President’s plan, it is voluntary. It is affordable. It is competitive. It has a quality drug benefit that would be available to all beneficiaries. The President’s plan dedicates over half of the on-budget surplus to Medicare and also extends the life of the Medicare trust fund to at least 2030.

So what we are doing is we are using the budget surplus that has been generated with the good economy to pay for this Medicare prescription drug program.

Most important, the coverage is available to all beneficiaries under the President’s plan.

And I say that because I believe that the Medicare program has worked, and it makes sense to put this prescription drug plan under the rubric of the existing Medicare program. The advantage of doing that is that everyone, regardless of income or health status, gets the same basic package of benefits. All workers pay taxes to support the Medicare program; and, therefore, all beneficiaries should have access to this new drug benefit, just like they have for everything else in the Medicare program.

Now, a universal benefit helps ensure that enrollment is not dominated by those with high drug costs, the so-called problem adverse selection, which would make the benefit unaffordable and unsustainable. One of the criticisms of the leadership plan is that what may happen is that only people with high drug costs would opt into it. What we want to do is create an insurance pool, just like with Medicare in general, that everybody is involved with. Because it is only when we have a large insurance pool with people of all categories of use for drug benefits that we can be successful.

And, again, under the President’s plan it is strictly voluntary. If a beneficiary likes what they think is better coverage under an HMO or some kind of pension plan or something through their employer, they do not have to opt into it. As I said, what we are really going to do is make sure that those plans get extra money, up to 50 percent of the cost of what it cost them for a drug benefit, the existing HMO would get or the existing employer benefit plan would get, in order for the individual to continue to use that plan if they do not want to opt into the Medicare plan.

Now, for beneficiaries who choose to participate under the President’s plan, the Democratic plan, Medicare will pay half of the monthly premium, with beneficiaries paying an estimated $26 per month for the base benefit in 2003. As of the date of this address for 2003 on, it becomes more generous; and, of course, the premium goes up accordingly. The premiums would be collected just like the Medicare part B program as a deduction from Social Security checks for most beneficiaries who choose to participate.

Low-income beneficiaries would receive special assistance so that if they are below a certain income, just like now for part B, for those seniors in part B now, which pays for their doctor bills, if they are below a certain income, they get part of the premium paid for. If they are at a very low income, the complete premium is paid for. We would do the same thing with this prescription drug plan using the same criteria. The income basically that would be used for those criteria would be the same.

Under the President’s plan, Medicare would pay half the cost of each prescription with no deductible. The benefit will cover up to $2,000 of prescription drugs when coverage begins in 2003 and increase to $5,000 by 2009, with 50 percent beneficiary coinurance. After that, that would be adjusted for inflation. But most important, also, we have a catastrophic benefit. So that basically above a certain amount, I believe it is $3,000 out of pocket, all the costs would be paid for by Medicare and by the Government.

The price discrimination issue that my colleague, the gentleman from Maine (Mr. ALLEN), mentioned is addressed in the President’s plan through competitive regional contracts to provide the service. In other words, basically in each region of the country we would ask people to apply or compete to be the benefit provider; to be the entity that would go out and negotiate a price for the drugs and provide the medicines or prescription drug benefits for the individual. And basically that would be reviewed by HCFA on some kind of yearly or biannual basis. If it was not working out so that prices remained too high, then they could drop those benefit providers that were not performing.

I think that is important. Because, again, if we do not have some way to address the price discrimination issue, then I do not think that this program would work. And, again, there is nothing in the Republican proposal to address the issue of price discrimination or provide this kind of fair price that has been proposed in the President’s program.

I want to talk, again, about those people who are in HMOs. We are not saying that individuals in HMOs cannot continue in those HMOs and get a drug benefit. In fact, what is going to happen is that this Medicare program is going to provide money to the HMO for that drug benefit. Under the President’s plan, essentially we strengthen and stabilize the Medicare+Choice program.

Today, most Medicare+Choice, or HMOs, offer prescription drug coverage using the excess from payments intended to cover basic Medicare benefits. They are only getting the amount of money that the Federal Government assumes would pay for basic Medicare benefits without the drug benefit. But under the President’s proposal, those HMO plans in all markets will be paid explicitly for providing a drug benefit in addition to the payments that they receive for current Medicare benefits.

So they will no longer have to rely on the rate in a given area to determine whether they can offer a benefit or how generous it can be. And that is the drug program. I think it undermines some of the HMOs drop the drug benefit or start charging more for the drug benefit. They will not have to do that because there will not be the regional variations. They will be getting money directly from Medicare, directly from the Federal Government, to pay for half the cost of the drug benefit. And that also will be true for any kind of employer plan that someone might have that they receive through their employer that they want to keep as well.

I think that the concern that I have, if I contrast the Democratic plan, which I think is really a Medicare benefit that is available to all, that ends price discrimination, that has a defined benefit, if I contrast that with the Republican plan, the basic problem with the Republican plan is that it is imaginary. It is not going to work. It is just political cover. It is empty promises. My colleague talked about that before. And it is not an entitlement to anything.

The one thing that really disturbs me is if we set up a system, as the Republican leadership has proposed, where this is basically a private insurance plan, we get away from the basic universality of Medicare that we have had for a long time. If we start breaking up Medicare and suggesting that one part of it, in this case the prescription drug plan, can be outside of the Medicare program, I think it undermines the whole Medicare program and the whole ideology of the Medicare program.

I have been concerned because I think that is the goal of some of my Republican colleagues. They do not really like Medicare. They do not like the fact that Medicare was set up as a government program. They would rather have all of Medicare, perhaps, to be some kind of a private insurance program, and the prescription drug benefit becomes the first step to accomplish that.

The other problem with the Republican plan is that since it does not have
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a defined benefit, we are never going to know exactly what kind of benefit one gets. In other words, we say it the Democrats, if we make the prescription drug, is medically necessary, if the doctor feels, and he is going to write a prescription that this drug is medically necessary, then the individual gets it. That is the definition of the benefit. But we do not have that under the Republican plan. We do not necessarily know what kind of drugs are going to be covered. And it is going to depend upon the whims of the private insurance market whether or not they can offer certain drugs or cover certain things at a given time.

Seniors need to have a certain amount of certainty. I think one of the biggest problems that exists now when HMOs change their drug benefit plans or they simply drop seniors altogether is that I get a call saying what happened, I thought I had a certain HMO. I thought I had a certain drug benefit plan and all of a sudden I do not. We need certainty, and that is essentially what the Democrats are proposing.

There was a very interesting article, I thought a really enlightening article, in The New York Times, Mr. Speaker, just yesterday, Sunday. It was on the front page, it was by Robert Pear, and it was entitled, “Party Differences on Drug Benefits Continue to Grow.” And it talked about this whole Medicare debate in terms of what the Republican leadership proposes as opposed to what the President and the Democrats are proposing.

I do not like to read, but I just thought that there were certain parts of this article that really sort of explained the differences between what the Democrats proposed and what the Republicans proposed, and why I feel that the Democratic plan really is a good plan that will work whereas the Republican plan simply will not work and it is just something they are putting forward. I would just like to read certain sections of this article, if I could, because it does draw such contrasts between the Democrats and the Republicans on the issue.

It says, about halfway down the front page in the article from yesterday’s New York Times, “Democrats want more health insurance benefits for beneficiaries in Medicare. They say the Republicans’ freemarket approach will confuse beneficiaries and encourage insurers to seek out healthy customers with relatively low drug costs, a practice known as cherry-picking.”

This is the whole idea of breaking the insurance pool. The reason why Medicare works is because so many people, almost everyone, most seniors, are involved with it. So it creates this huge insurance pool that does not depend on whether a person is sick or how much health care or hospitalization is needed. Well, we break that system by allowing insurance companies, through private insurance, to cherry-pick those who use the least amount of drugs; and all of a sudden, we do not have a workable system.

Well, the article says that, “The Republican proposal assumes that insurers can be induced to offer drug coverage subsidized by the government just as health maintenance organizations have been induced to offer contracts with the government to care for 6.2 million Medicare beneficiaries. But when asked if insurers would be interested in offering drug coverage under Mr. Thomas,” the Republicans’, “bill, Charles Kahn,” this is Chip Kahn, “President of the Health Insurance Association of America, said: No, I don’t think so. They would not sell insurance exclusively for drug costs. The government may find some private entities to think it was ridiculous. And she is the government would have to accept all or nearly all of the financial risk.”

Well, this again goes back to what my colleague from Maine was saying before. Who is going to offer a benefit that almost all seniors need? The whole basic idea of insurance is risk. And if we have a situation where they have to insure and probably pay out money to almost every senior, they are not going to sell the policy.

“President Clinton,” again from the New York Times, “would offer the same drug benefits to all 39 million people on Medicare. House Republicans, by contrast, would describe a model insurance policy, known as standard coverage. Insurers could offer alternative policies with different premiums and benefits.”

That is the problem. Rather than having that defined benefit under the Democratic plan, we have under the Republican plan some benefits and standard coverage that does not mean anything because the insurance companies do not have to provide the benefits that are under the standard coverage. They can vary as they see fit.

Again, in this New York Times article from yesterday, “Nancy-Ann Min DeParle, administrator of the Health Care Financing Administration, which runs Medicare, said elderly people could be refused if they had a large number of choices. And she is talking about the Republican plan. “It’s difficult for seniors to navigate among plans,” Ms. DeParle said, “Moreover,” Ms. DeParle asked, “do seniors want and need all these choices? If you let plans design all sorts of benefit packages, that promotes choice, but it also promotes cherry-picking of the healthiest seniors. That’s why we need defined benefits. Seniors want to know what’s covered. It must be predictable.”

The Republicans keep talking about choice, but look at the example with the HMOs and how much confusion that has caused now in Medicare, where so many of them are dropping the plans or changing their plans and the seniors call us up and complain to us. I frankly feel, if we have a defined benefit plan under Medicare that is certainly preferable. If someone wants to use an HMO, they can, but at least provide a guaranteed benefit.

“Democrats fear,” again in the New York Times article, “that the market for drug insurance would be filled with turmoil as insurers went in and out from year to year. In the last two years, dozens of HMOs have pulled out of Medicare or curtailed their participation, disrupting insurance arrangements for more than 700,000 elderly people, and more health plans are expected to withdraw this year. Democrats say drug benefits should be fully integrated into Medicare, like coverage of hospital care and doctors’s services. The bill,” this is the Republican bill now, “says Medicare officials must ensure that every beneficiary has a choice of at least two plans providing prescription drug coverage. One could be an HMO; at least one must be a traditional insurer. But Democrats say even if benefits have two options, both may be high priced plans. Under the House Republican proposal, Medicare officials could offer financial incentives to get insurers to enter markets in which no drug plans were available.”

Now, that is fine. In other words, just like HMOs, the Republican plan would say, and this is what the gentleman from California (Mr. THOMAS) has said, well, if we cannot find any insurance companies to provide this prescription drug coverage, then we will just give them more money and then they will do it. Well, that is all very nice, but, again I am going back to this New York Times article, “Chris Jennings, the health policy assistant at the White House, said the availability of these incentives would encourage insurers to hold out for more money. It would encourage insurers to hold Medicare hostage, Mr. Jennings said. The policy says that if insurers don’t participate in the marketplace, we’ll give them more money.”

Now, do my colleagues think an insurer will decide to participate in the market at the beginning, when they get less money, or will they hold out a little longer and then they might get more?

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“That’s the most inefficient, ridiculous incentive mechanism one could imagine.”

That is, essentially, what we are getting now with the HMOs. HMOs that are pulling out of the Medicare senior market are coming back to Congress and saying, “Okay, I am going to stay in the markets if you give us more money, if you give us a higher reimbursement rate. Insurance companies that theoretically are going to tap into the drug
Mr. ENGLISH. Mr. Speaker, the House is on the brink of considering a prescription drug plan under the Medicare program. The Democrats want to see some kind of prescription drug coverage. After all, how many of us would give our employer's health plan a second look if it did not in fact include coverage for prescription drugs. But that is what we have been asking America's seniors to do.

We must take the steps necessary to ensure that seniors have access to affordable prescription drugs throughout America. What we have done is create a plan which invests $40 billion of the non-Social Security surplus to strengthen Medicare and offer prescription drug coverage to every beneficiary.

This is, after all, $5.2 billion more than what the President had proposed, and it was included in a budget resolution that we passed in this House over fierce resistance from House Democrats.

The bipartisan prescription drug plan that we have created will provide lower drug prices while expanding access to life-saving drugs for all seniors. Many of us had carefully examined the President's proposal and, in doing so, felt that we could improve on it and do better and provide seniors with a richer benefit and the flexibility to choose a plan that best meets their needs.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. FITZTS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader. Mr. ENGLISH. Mr. Speaker, the House is on the brink of considering a very important issue for this November election and then they will hold out until they get more money. And even then there is no guarantee that we are going to get a good benefit plan.

I do not want to keep talking all night. Mr. Speaker, because I know that we are going to be dealing with this issue again and again. And I certainly plan to come again on other nights in special orders with my colleagues on the Democratic side to keep making the point that what we really need here is a Medicare benefit, a Medicare prescription drug benefit, that is voluntary; that provides universal coverage to everyone who wants to opt for it; that is designed to give all beneficiaries meaningful defined coverage; that has a catastrophic protection so that, if over a certain amount, the Government pays for all benefits; that has access to medically necessary drugs and, basically, defines what is medically necessary by the physician, not by the insurance company; and that, basically, says that if you are low income, we will pay for your premium, just like we do for part B for your doctors bills; and, finally, that is administered in a way that has purchasing mechanisms so that we can keep the price fair and not provide for the price discrimination that exists right now under current law for so many people.

That is what we will push for regardless of what the Republicans come up with. And certainly, we are more than willing, as Democrats, to work with the Republicans to fashion a plan that will work. But, so far, what we are hearing from the other side of the aisle is a sham, is not something that is designed to provide meaningful benefit, and that ultimately will not pass here, not pass the Senate, not land on the President's desk in time for the end of this Congress. And that is what I do not want to see.

The Democrats want to see something that will pass and be signed by the President and become law so that Medicare beneficiaries can take advantage of it and that it not just be a political issue for this November election.
making less than $11,272 or a couple making less than $15,187 a year will re-
ceive 100 percent Federal assistance for low-income individuals including 100 per-
cent full reimbursement for premiums.

Like the President’s proposal, this bipartisan plan also includes reim-
bursement phase-outs exceeding the poverty line. For those between 135 percent and 150 percent of poverty, Medicare will pay part of their pre-
miums and their co-payments would be covered under Medicare. Yet, the Presi-
dent’s plan shoe-horns seniors, many of whom have already private drug coverage which they are happy with, into what I would call a one-size-fits-

few plan, with Washington bureaucrats in control of their benefits.

Our plan, our bipartisan plan, gives all seniors the right to choose an af-
fordable prescription drug benefit that if the President were to add such a benefit, the best fits their own health care needs. By making it available to everyone, we are making sure that no senior citizen or disabled American falls through the cracks.

The plan also provides coverage and security against out-of-pocket drug costs for every Medicare beneficiary. Any senior spending $6,000 a year or more will have 100 percent of their drug costs covered by Medicare. No longer will seniors be forced to drain their savings in order to pay for the prescrip-
tions on which their lives depend.

The President’s plan does not reflect any coverage for those seniors who pay high drug costs. Although we now un-
derstand that belatedly the President has leaped forward, panicked, and is now offering a catastrophic benefit as an add-on, but that was not his original proposal.

The Congressional Budget Office has estimated that if the President were to add such coverage, it will double the cost of the plan and/or double the pre-
miums seniors would pay. The Presi-
dent leaves those who face the highest drug costs out in the cold in his origi-
nal plan, choosing between paying the bills or buying life-saving medicines.

In addition, private employers under our plan would be given the option to buy into the Federal program in order to enhance their current plans or to begin offering a drug benefit to their employees. States would be provided the flexibility to choose to enhance their existing plans with the Federal coverage while not jeopardizing the existing coverage that their residents have. This includes pro-
grams such as the Pace Program in Pennsyl-

vania.

But in adding a prescription drug benefit, we also modernize Medicare to ensure its long-term solvency. The plan ensures that seniors and disabled Americans will continue to have access to lifesaving drug therapies.

In recent years, scientific and med-
cal research has resulted in 400 new medications to treat the top killers of seniors: heart disease, cancer, and

stroke. A market-oriented approach ensures that the quality of care that beneficiaries receive will continue to improve.

The plan takes vital steps toward improving Medicare as a whole. It expe-
dites the appeals process by mandating that appeals that used to take an aver-
age of 400 days now take less than a quarter of that time. After all, to some seniors every minute counts.

But on top of that, the plan removes this part of Medicare from the Wash-
bington bureaucracy that has haunted and nearly bankrupted the system. The Health Care Financing Administration, which the last speaker had quoted ex-
tensively in his comments, will not control the prescription drug benefit under our plan. We create a Medicare benefit administration within the De-
partment of Health and Human Serv-
ices to manage prescription drug plans autonomously.

This reform is fundamental to safe-
guard the new program and to allow it to realize its potential free from inter-
fERENCE from the bureaucracy.

We would also remove Medicare+Choice plans from under HCFA and put under the control of this agency giving it more flexibility and stability.

President Clinton has attacked the bipartisan plan primarily because he

knows it offers richer, more encompassing benefits and greater flexibility than the plan he has proposed while dealing with the needs of people with diverse circumstances. The President’s plan would force as many as 9 million seniors out of their existing programs for drug coverage because the employ-

er cannot be compelled to buy them. The President’s plan would force more seniors to lose their prescription drug coverage instead of allowing the Government to take over.

As baby-boomers retire, 40 million Medicare beneficiaries could lose their current drug coverage under the Presi-
dent’s plan. As time goes on, the cov-

erage offered by the President dwindles and the quality of care that Medicare prescription drugs, as we

have for months and months; and some-
times the discussion, the dialogue, gets fairly arcane and complicated and seems to go far from the flesh and blood of the people we are trying to represent; and the gentleman from Erie just talked about the fact that seniors should not have to at that stage of their lives be worrying about whether or not they can afford their prescrip-
tion benefit.

I want to read a letter that I received recently from just such a senior in my district, who certainly is worrying. She is from Holland, Pennsylvania, which is the little town that my family belongs to in Pennsylvania. She wrote this letter to me just a few weeks ago, a couple of weeks ago.

I am joined in this sentiment by a number of members from my task force that I served on and also fellow mem-
bers of the Committee on Ways and Means.

I would like first to recognize a colleague of mine, the gentleman from Pennsylvania (Mr. Greenwood), who

served with me on the task force and a distinguished member of the House Committee on Commerce who has special-
ized in health care issues and has been a strong voice for seniors.

Mr. GREENWOOD. I thank the gen-
tlemen from the other side of the State of Pennsylvania, from Erie, Pennsylvania, for organizing this Special Order.

Mr. Speaker, we come here to Wash-

ington and we talk about the issue of Medicare prescription drugs, as we

have for months and months; and some-
times the discussion, the dialogue, gets fairly arcane and complicated and seems to go far from the flesh and blood of the people we are trying to represent; and the gentleman from Erie just talked about the fact that seniors should not have to at that stage of their lives be worrying about whether or not they can afford their prescrip-
tion benefit.

I want to read a letter that I received recently from just such a senior in my district, who certainly is worrying. She is from Holland, Pennsylvania, which is the little town that my family belongs to in Pennsylvania. She wrote this letter to me just a few weeks ago, a couple of weeks ago.

Dear Congressman GREENWOOD, I

never thought that I would come to this time in my life and find myself ne-

glecting my health out of sheer neces-
sity. My medical problems require drugs that amount to over $1,000 per month. I am enrolled in Aetna U.S. Health Care which has a cap on prescription drugs of $500 a year. After filling out the pre-
scriptions, my cap was met. I also

paid more for premiums, more fees for services and services I did not need. I am a widow, 70 years of age. My medical problems require drugs that amount to over $1,000 per month. I am enrolled in Aetna U.S. Health Care which has a cap on prescription drugs of $500 a year. After filling out the pre-
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full-blown asthma and chronic bronchitis. My doctor told me that I cannot miss a day taking my medication for my lung disease. I have to take two medications twice a day: Flovent, two puffs twice a day; and Albuterol, 2 puffs every 4 hours. “The prescription for each is $98 times three, lasts 2 weeks.” So $98 every 2 weeks for each of these two medications. That is $600 per month right there. “I cannot stop taking this. I tried and ran into breathing problems again.”

“I also must take Zithromax for chronic infection, $89. I must keep this on hand always. “Also my ophthalmologist prescribed Xalton for glaucoma, which I must take faithfully, nightly, another $89. “The drugs I must take average about $900 per problem. The ninety year I need for osteoporosis, reflux and hiatal hernia, anxiety and depression, high cholesterol and nerves, I had to eliminate them; and I can feel my health declining each day. “I tried brand drug for my lung infection, and I had to end up taking three Zithromax, as the generic did not help me.”

“My problem is that I make $200 too much per month to qualify for assistance. You figure this out. I have two friends who make $200 and $250 less than I do per month. They are paying $6 for all their prescriptions because they qualify for the program. They are getting help with their electric bill, they are being well taken care of, they are able to go out to dinner weekly and on a bus trip now and then. I can do none of this. My money is going to prescription drugs.”

“I just pray that some good Congressmen like you will make the good in Washington see what this drug problem for the aged is doing to us. We worked hard all of our lives and then have to come to this.”

Mr. Speaker, that is a pretty persuasive argument. I think, a pretty poignant letter from a real woman who lives in my district, a 70-year-old widow who is only able to use every penny of her income simply for the drugs that she has to have to stay alive, and then she neglects her other needs; and so her depression, her pain, her osteoporosis, all of those conditions go unchecked because she does not have this benefit. That is why all of us in Washington who care about this issue are trying so hard to get this done, and that is why we have come here tonight to talk about the bipartisan bill.

If this issue is not handled in a bipartisan fashion, my constituent, this 70-year-old woman, will not get relief. It is absolutely the case. The people of the United States have elected a Republican House and a Republican Senate, and they have a Democratic President in the White House. For us to get this done this year, we have to exercise bipartisan, and that is why this bill that we are supporting is bipartisan.

Now, unfortunately, in the Special Order that came before us, my friend, the gentleman from New Jersey (Mr. Pallone), and I will give him credit for this, he comes to the floor every night just about and makes a speech about prescription drugs; but what is so discouraging to me is the level of partisanship. There are reasons for there to be differences between the President’s plan, the Democrat’s plan, and the Republican plan, because this is a hard problem to solve; and it takes different kinds of thinking from different perspectives.

There are reasons why the Republican plan is different. This is a complex issue. I think the differences between the two plans is that we think that you need catastrophic coverage. We think that it is important that when some of these drugs that can cost $10,000 to $20,000 per year, you cannot stop the coverage at $2,000. We let the individual be on their own, because that is not going to help my constituent. My constituent will not be helped by that, because she will run out of money; and not only will her insurance coverage not be sufficient, but now the Medicare coverage will not be sufficient, and that is not good enough.

When you look at the President’s plan and when you look at the Republican plan, there are differences. I happen to prefer the Republican plan, but the fact of the matter is they are more alike than they are different. What we have got to do this year is we have to be bipartisan and make sure that the bipartisan bill is adopted by the House, that we take ideas from both Members, we negotiate this with the President and get it done.

When you see Members of Congress come to the well of this House or sit in committee hearings and meetings, and when you hear them looking for common ground and looking for a bipartisan approach, when you have Republicans and Democrats supporting the same kind of legislation, then you know these are serious Members who care about 70-year-old widows from Holland, Pennsylvania, who cry themselves to sleep at night.

Conversely, when you see Members of Congress come to the well of the House and you listen to them in the hearings and they spend most of their time emphasizing the differences, contrasting the Republicans and the Democrats, this lady does not care whether the bill is a Republican bill or a Democratic bill. She wants a bipartisan approach that gets the job done. When you see Members constantly emphasizing the party differences, then you have to conclude that these are Members who are not interested in solving the problem. They are interested in winning elections, they are interested in political gain and leverage, and I think that is shameful.

We need to get this done in a bipartisan fashion. The bipartisan bill we are here to talk about tonight will do that. I urge my colleagues in the Congress to support that. Mr. Speaker, I would again thank my colleague from Erie for organizing this event tonight.

Mr. ENGLISH. Mr. Speaker, I yield to the gentleman from Arizona (Mr. Hayworth), a very distinguished member of the Committee on Ways and Means and a gentleman who has been a leader on most of the issues before our committee, but who particularly has come forward to be a strong advocate today on prescription drug bills, and I might add, it is a great service to serve with him.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania, and I thank the gentleman from Pennsylvania who preceded me in the chair. It was equally instructive to hear our friends on the left precede us this evening on the floor, focusing on process and politics instead of on problem solving, because, Mr. Speaker, make no mistake: we are committed to forging a bipartisan plan. Indeed, sponsors of both political parties have stepped forward and said, even though this is an even numbered year on the calendar, even though it is the nature in this institution to realize that 5 months remain before an election, some issues are too important even in an election year to simply pceed and posture and, yes, political.

Mr. Speaker, not only was that letter from the lady in Pennsylvania very poignant, it was also very practical. I think, Mr. Speaker, another difference that we see in terms of approach is a question of trust. Our bipartisan plan trusts America’s seniors with an aspect of freedom that has been their birthright. My folks are now in their late sixties; my grandfather is 96. Choice has been a part of their life in a variety of settings. Why then take away choice when it comes to prescription drug coverage?

I hold a number of senior coffees in my district to sit down with constituents who are articulate, informed, and very interested in a multitude of topics. When this first appeared on the radar screen of the body politic, a lady from my district summed it up very nicely when she said to, “J.D., whatever you do, please don’t increase my
Medicare premium so that I have the honor of paying Ross Perot’s prescription bill.

Now, think about that. Despite all the sophisticated talk that comes out of Washington, D.C., my constituent really defined the issue. She says, “Number one, keep Medicare affordable. Don’t needlessly raise my premiums. Number two, don’t force me into a plan that Washington sometimes seems to gravitate toward, which in intent is one size fits all, which in reality,” as my colleague from Pennsylvania pointed out, “is one size fits very few, and yet everyone is compelled, indeed, coerced by law, to be involved in the plan.”

That is not what we want to do. We want to champion choice and the marketplace, and we want to make sure that the nearly two-thirds of America’s seniors who have existing prescription drug coverage can keep that current coverage if they desire.

The letter read by the gentleman from Pennsylvania from his constituent reminds me of another real-life story involving one of my constituents from Apache Junction, Arizona. Like the lady from Pennsylvania, she too faced tough choices for herself and for her husband. She told me that the prescription bills had become so cumbersome that she was not able to qualify for a plan with prescription drug coverage; that she, in her 70s, was employed at the drive-through window of a prominent fast food chain, one of their outlets in Apache Junction and, at that time, paying a penalty for working, because of the earnings limit for seniors. But she was doing so out of necessity to deal with the prescription bills that she and her husband were facing.

So let us state a broad objective and observation that most Americans can agree with, Mr. Speaker and my colleagues, and it is this: no senior should be forced to choose between buying food and buying medicine. That is fundamentally wrong.

It is our intent to make sure that those who heretofore have not had coverage, the one-third of current seniors without a health insurance plan, with or without a prescription insurance plan, should have that type of coverage. We want to make action to strengthen Medicare by prescribing prescription drug coverage that is available to all seniors, but undergirded with the principles of freedom and choice, that no one in this country, I believe, wants to abandon.

Even though it was disturbing to hear earlier tonight the chief administrator for the Health Care Financing Administration basically say that seniors could not make up their own minds, I find that nothing could be further from the truth in my district. As I said earlier, at town hall meetings, at senior coffees, at the grocery store, at church, at the softball and T-ball games when the grandparents come to watch their grandchildren play and visit with me, I find that our Nation’s seniors are among the most engaged, the best informed.

Now, at the dawn of the new century, there is unparalleled health and prosperity for today’s seniors, and indeed, this is a blessing, and it is an opportunity. Yes, problems exist, as I pointed out, the situation for the lady in Apache Junction and as the gentleman from Pennsylvania read the letter from his constituent and the tough decision she has been forced to make without prescription drug coverage. But we want to make sure that we embrace and bring to the floor a plan that gives seniors the type of affordable prescription drug benefit that best fits their own health care needs.

Mr. Speaker, this bulletin just in: we are all unique. We all have different health challenges, different problems, different prescription, different treatments. Why would we choose a plan that would allow Washington bureaucrats to bring their red tape and regulation to America’s medicine chests? That is not what we want to see. We want, again, to embrace the notion of freedom and opportunity and choice for our honored citizens, for our senior citizens, for people who take the time, as every senior in my district has, to intimately understand their own challenges, their own health needs, their own prescription needs, and to deal with it. We do not want to force the two-thirds of seniors already covered out of coverage if it works for them.

The real challenge with the one-size-fits-some approach is that in an effort to have the heavy hand of government and the Washington bureaucrats take the role of the corner druggist, that when government inserts itself into that dynamic, we have very serious problems, and we would hate to see those plans abandoned. Let us make sure that good coverage is maintained for those who want the private coverage that they currently enjoy; let us give a variety of plans based on the free markets that are there; and yes, in those circumstances, in some rural areas, in some areas that have been deprived of coverage, yes, there is a role for government to play, not a game of “gotcha” or bureaucratic intent, but by focusing on what works. That is what we are about in this bipartisan plan.

Again, our mission is clear here, defined by my constituent and her very simple and direct statement: please do not force seniors to choose which is right, rather than one-size-fits-some. We should not force seniors into a Washington bureaucrat-run, one-size-fits-all prescription drug plan that has too many rules, regulations, restrictions, and allows politicians and Washington bureaucrats to make medical decisions.

Indeed, this is something that I believe every Member of this House, Mr. Speaker, ought to be able to agree on, as we debate the many facets of health care, the many different challenges we face. The last thing on earth we should face is that the guise of American people is to decide on a course of treatment or action that violates the sanctity of the doctor-patient relationship that prompts bureaucrats, whether Washington bureaucrats or insurance company bureaucrats, to try and make health care decisions. The principles we embrace, the plan that we will bring to the floor in short order will make sure that there is choice, will make sure that the two-thirds of seniors with current coverage can continue to enjoy that coverage if that is their wish, but also provide other plans and other availabilities, and that is what we need to do.

Again, I would call on my colleagues to make sure that even in this even-numbered year, that even with that great exercise, unique in our constitutional republic where we, as constitutional officers, stand at the bar of public opinion, the first Tuesday following the first Monday in November, even with the temptation of some to turn this into a bumper sticker issue, to come to the floor and impugn the motives of others, Mr. Speaker, we understand that oftentimes free discussion in our constitutional republic and in this chamber can bring out both the best and, sadly, the worst in people.
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So I would challenge my friends on the left to put aside the venom, the vitriol, and the predictable political speeches. I mean a bunch of rhetoric. I believe in a plan that is already bipartisan, that already has the support of Republicans and Democrats from across the country, folks who have listened to their constituents and heard loud and clear:

Put aside partisanship, focus on what works. That is our challenge. Mr. Speaker, I believe we will meet that. I would simply say to my friends in Arizona to keep those cards and letters coming. We appreciate their insight.

We understand that they are on the front lines in this battle and their initiative, their input, their wisdom will help us solve this problem.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for his generous efforts, their input, their wisdom will help us solve this problem.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. BRYANT), a gentleman who played a critical role in developing this bipartisan product. He was part of the task force that I served on, and he is a member of the Committee on Commerce.

Mr. BRYANT. Mr. Speaker, I thank my friend from Pennsylvania for hosting this special order tonight obviously on a very important subject that we have already spent 1 hour before we came into the Chamber hearing one side of this debate, so to speak, and now we are talking about what we think is probably not the other side, but rather the bipartisan side of the solution to this very important problem.

As we discuss this addition of prescription drugs to senior citizens, we cannot talk about it in isolation. I think we have to place it in the context of Medicare as we talk about this.

One of the first things that comes to my mind and I hear about from my constituents in Tennessee is what I think is the doctors' maxim, First, do no harm. As we examine these prescription drug proposals, we should make sure that whatever plan we adopt does no harm. That is, it should not jeopardize any of the current coverage of Medicare in what they receive, beneficiaries receive, nor should it jeopardize the retirement security of any American.

I think, secondly, as we talk about this issue we have to remember the dignity and rights of Medicare beneficiaries we protect them. Just because an American reaches the age of 65 does not mean that they should be treated like second-class citizens, and any effort that we make to add this prescription drug benefit should ensure that seniors gain the right to all the benefits that they are entitled to beyond their 65th birthday.

Mr. Speaker, I would agree with everyone who has spoken tonight on both sides of the aisle, that something has got to happen. Something needs to happen with regard to adding prescription drugs to our senior citizens. Had we come up with Medicare in this day and age, we would have surely brought in prescription drug benefits because of the importance to everyone, particularly to senior citizens, of drug therapy. This was not done, though, in 1965, so we have to go back now and find the most appropriate way to bring this into being.

I think the best thing this body can do is to work together in a bipartisan fashion. We have heard that word "bipartisan" a lot. What that means simply is we are talking about both Republicans and Democrats come together. Already on this bill that we are talking about in this hour, we are in that bipartisan situation where we have both Democrat Members and Republican Members cosponsoring this bill.

That is why I am proud of this legislation. It is something that our task force worked hard to produce, and we have now people on both sides of the aisle who can support it. I think our seniors and our disabled people who will be eligible for prescription drugs deserve this type of treatment, and I hope that we can rise above the partisan rhetoric and the political ploys and get this job done.

As my friend, the gentleman from Arizona, mentioned, so often in these even-numbered years, which means that we are all up for election in the House, people play politics with issues like this, and they hide in hot-water. What he did to put himself in hot water with his own Democrat leadership was to agree to cosponsor this bipartisan bill.

It goes on to say in here how he has dangled any hope of landing one of three coveted seats on a powerful committee in the Senate. My optimism sunk, because when we have people who are willing to play politics and threaten their fellow Members and try to intimidate them from joining a bipartisan bill in an election year, I think it is shameful, too.

I hope in the House we can move forward, work together as we have started on this bipartisan bill, and get something done. My friend, the gentleman from Pennsylvania, mentioned that we have worked on this task force together, something that our Speaker of the House put together to study and to come up with recommendations. He charged our task force with development of a fair and responsible plan to help seniors and disabled Americans with their drug expenses.

As we started, we began with a set of principles, and used those principles to guide our efforts, I think resulting in this bill that we are talking about tonight.

First, we wanted a plan that was voluntary. Everybody understands what voluntary means. It means we can get in it or we do not have to. We have a choice to get in and stay out, that it is control, something that has been affordable to all beneficiaries. It would be voluntary, universal, and affordable.

We also wanted to give seniors meaningful protection and bargaining power to lower their prescription drug prices. I want to talk just a little more about that in a couple of minutes.

We also wanted to make sure that we preserved and protected Medicare benefits seniors currently receive. That is what I meant when I said, First, do no harm.

Finally, we wanted an insurance base, a public-private partnership that sets us on a path towards a stronger, more modern Medicare and would extend the life of this Medicare program for the baby boom generation and even beyond.

Coming up with a good plan that fits all of these principles was a tall order, but the bipartisan Medicare prescription 2000 legislation does follow these guidelines, and I believe it is the right path.

Our plan provides prescription drug coverage that is affordable. Seniors in my district and across Tennessee have been writing and asking me for help, just like other Members have talked about tonight, with the high cost of drugs.

In this bill, we will help more people get prescription drug coverage at lower cost by creating group buying power, without price-fixing or government control, something that has been referenced tonight already, something that is totally unworkable. For the first time, Medicare beneficiaries will no longer have to pay the highest prices for prescription drugs. Under this proposal, they will have access to the same discount the rest of the insured population enjoys.

An analysis by the Lewin Group recently concluded that private market-based insurance policies that we are talking about here can reduce the consumer's prescription drug costs by as much as 39 percent.

Also, our plan strengthens Medicare so we can protect seniors against the
This is one of the things I found most challenging about what we were trying to do is somehow protecting people against catastrophic drug costs where we hear about people having to exhaust their life savings or sell their home to pay their drug bills. We do that in our bill, and I think that is one of the best components of what we have done is have that protection out there, that stop loss, that once one gets to a certain level, then the beneficiary of the senior citizen does not have to go beyond that.

Our plan is available to all Medicare beneficiaries, and our public-private partnership ensures that drug coverage is available to those who need it by managing the risk and lowering the premiums. The plan calls for the government to share in insuring the sickest seniors, thereby making the risk more manageable, more affordable for insurers, and lower premiums for every beneficiary.

As I mentioned before, we protect the most vulnerable of our seniors and low-income beneficiaries. I could go on and on and talk about this.

I would just urge those in the House and those that might be viewing the proceedings otherwise to look at this bill carefully, study it, and see if we did not follow those principles that we talked about that we wanted choice, we wanted it to be universal, we wanted it to be voluntary, we wanted it to be affordable. We think we have done that.

We were very pleased to bring this bill to the House floor. As we move this process, I trust that we can do it in a Republican-Democrat fashion, do what is right, and do it in a bipartisan way to strengthen Medicare by providing prescription drug coverage for seniors and disabled Americans so that no one is left behind.

While ensuring that all Medicare recipients have access to prescription drug coverage, we must make sure our senior citizens and disabled Americans also maintain control over their health care choices.

It is fundamental that we cannot force folks into a government-run one-size-fits-all prescription drug plan because, in recognition one-size-fits-some. That type of approach would be too restrictive, too confusing, and would allow Washington bureaucrats to control what medicines one's doctor can and cannot prescribe.

It is our intent with our plan to give all seniors and disabled Americans the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Our plan will cover the sickest and the neediest on Medicare who currently have no prescription drug coverage while offering all others a number of affordable options to best meet their needs and to protect them from financial ruin.

By making it available to everyone, Mr. Speaker, we are ensuring that no senior citizen or disabled American falls through the cracks. Because our plan is voluntary, we protect seniors already satisfied with their current prescription drug benefit by allowing them to keep what they have while expanding coverage to those who need it.

We will not, Mr. Speaker, we will not force senior citizens or disabled Americans out of the good private coverage they currently have.

I would point out, again, nearly two-thirds of today's seniors have some form of prescription drug coverage. Again, our plan emphasizes individual freedom, giving individuals the power to decide what is best for them, not to rely on Washington bureaucrats.

The task is daunting. The details, we are in the process of hammering out as we move to markup in the Committee on Ways and Means shortly, but it is tantamount to reach across the aisle as we have already done with sponsorship of this plan on a bipartisan basis because the stronger Medicare with prescription drug coverage is a promise of health security and financial security for older Americans. And it is our intent to work on a bipartisan basis to ensure that promise is kept.

Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. English) for yielding to me, and I thank the gentleman from Tennessee (Mr. BRYANT).

Mr. Speaker, I think it is important just to summarize where it is we believe this bipartisan plan is headed and what it is we are trying to do.

Mr. Speaker, as we pointed out earlier, it is a sad fact that too many senior citizens and disabled Americans are forced to choose between putting food on the table and being able to afford the prescription drugs they need to stay alive. That is morally wrong.

So we want to take action in a bipartisan way to strengthen Medicare by providing prescription drug coverage for seniors and disabled Americans so that no one is left behind.

Our plan is available to all Medicare beneficiaries, and our public-private partnership ensures that drug coverage is available to those who need it by managing the risk and lowering the premiums. The plan calls for the government to share in insuring the sickest seniors, thereby making the risk more manageable, more affordable for insurers, and lower premiums for every beneficiary.

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Our parents and grandparents sacrificed much for this country. As we have been given charge by the people to come to this floor to do the people's business, to be about the work of preparing for a new century, we understand that America's seniors and disabled deserve no less.
regarding WTO culpability, in many areas proclaimed jurisdiction, responsibility, this remains but a question of education. Responsible are the citizens’ Representatives to begin that education process.

The former head of the antitrust division of the U.S. Justice Department was Thurman Arnold from 1938 to 1943. We may not entirely agree with him when he stated that the United States had, I quote, “developed two coordinate governing classes. One is called business, building cities, manufactur- ing and distributing goods, and holding complete and autocratic power over the livelihood of millions.”

The other called government, concerned with preaching and exemplification of spiritual ideas, but so caught up in a mass of theory that when it wished to move in a practical world, it had to do so by means of a sub-rosa politi- cal machine. But surely the advo- cates of this governance too, housed quietly and efficiently within the corridors of power at the WTO, the OECD, IMF, and the World Bank, clearly believe. They really believe. Corporatism as ideology, and it is an ideology, as John Ralston Saul referred recently to it as a hijacking of first our terms, such as individualism, and then a hijacking of western civilisation, the result being the portrait of a society addicted to ideologies, a civilization tightly held at this moment in the embrace of a dominant ideology: corporatism.

As we find our citizenry affected by this ideology and its consequences, consumerism, the overall effects on the individual are passivity and conformity in thought and manner and noncon- formity in those which do not. We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, that’s GATT, which began in 1948 its quest for a global regime of economic interdependence. But by 1972, some Members of Congress saw the handwriting on the wall, and it was a forgery.

Senator Long, while chairman of the Senate Committee on Finance, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy round of the GATT accords, and I quote: “If we trade away American jobs and farmers’ incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own which puts their jobs, their security and their incomes above the priority of those who dealt them a bad deal.”

But we know that few listened. And 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy round that began the slow decline in America’s living standards. Citing statistics in his point regarding the loss of manu- facturing jobs the American heartland those initiatives trans- late into further efforts to promote international order at the expense of existing American jobs.”

We are still not listening. Certainly, ideologists of corporatism cannot hear us. They, in fact, are pressing the same ideological stratagem in the journals that matter, like Foreign Affairs, and the books coming out of the elite think-tanks and nongovernmental or- ganizations. One such author, Anne- Marie Slaughter, proclaimed her rather self-important opinion that State sov- ereignty was little more than a status symbol and something to be attained now through transgovernmental part- icipation. That would be presumably achieved through the WTO, for in- stance?

Stephan Krasner, in a volume, Inter- national Rules, goes into more detail by explaining global regimes as func- tional attributes of world order, that is, environmental regimes, financial re- gimes and, of course, trade regimes. In a world of sovereign states, the basic function of regimes is to coordinate state behavior to achieve desired out- comes in particular issue areas. If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing.

But we are not here speaking of changes within an existing regime, thereby elected representatives of free people make adjustments to new tech- nologies, new ideas and further the bet- terment of their people. The first duty of elected representatives is to look after their constituency. The WTO is not changes within the existing regime but an entirely new regime. It has as- sumed an unprecedented degree of American sovereignty over the eco- nomic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the nation, in nation state? I do not believe so. I would argue that who governs, rules. Who rules is sov- ereign. And the people of America and their elected representatives do not rule nor govern at the WTO but cor- porate diplomats, a word decidedly oxymoronic.

Who are these new sovereigns? Maybe we can get a clearer picture by looking at the complacency in the compli- cation. I took interest in an article in Foreign Affairs, “A New Trade Order,” volume 72, number one, by Cowhey and Aronson. Foreign investment flows are only about 10 percent the size of the world trade flows each year, but intrafirm trade, for example sales for Ford Europe to Ford USA, now ac- counts for up to an astonishing 40 per- cent of all U.S. trade.

This complex interdependence we hear of every day inside the Beltway is nothing short of miraculous, according to the policymakers, according to its practition- ers by all this. But, clearly, the inter- dependence is less between the people of the nation states than between the corporations of the corporate states.

Richard O’Brien in his book entitled “Global Financial Integration: The End of Geography,” states the case this way: “The firm is far less wedded to the idea of geography. Ownership is more and more international and glob- al, divorced from national definitions. If one marketplace can no longer pro- vide a service or an attractive location to carry out transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choice of geog- raphy.

O’Brien seems unduly excited when he adds, “The glorious end of geo- graphy prospect for the close of this cen- tury is the emergence of a seamless global financial market. Barriers will be gone, services will be global, the world economy will benefit, and so too, presumably, the consumer.”

Presumably? Counter to this ideolog- ical slant, and it is ideological, O’Brien notes the fact that “governments are the very embodiment of geography, representing the nation state. The end of geography is, in many respects, all about the end or diminution of sov- ereignty.”

In a rare find, a French author pub- lished a book titled The End of Demo- cracy. He has held a number of posts for the French Government, including as their ambas- sador to the European Union. He sug- gests this period we live in is an impe- rial age. And to quote, “The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only older op- erating methods to protect. And this abstract security is infinitely more dif- ficult to ensure than that of a world in which geography commanded history.”

Neither the rivers nor oceans protect the delicate mechanisms of the impe- rial age from a menace as multi-form as the empire itself.”

The empire itself. Whose empire? In whose interests? 

Political analyst Craig B. Kule, in his book entitled “Global Triage: Imper- rium in Imperio,” refers to the new world economic regime in imperio, or power within a power, a state within a state.

His theory proposes that these new sovereigns are nothing short of this:
Totalitarian regimes are highly unstable, evolving toward some type of bureaucracy that neither fits the classic fascist nor the capitalist model. None of that future will be safe to democracy, only that the threat of democracy comes less from totalitarian or elected movements abroad than from the erosion of its psychological, cultural, and spiritual foundations from within.

Are we not witness to, though, the growth of global bureaucracy being created not out of totalitarian or collective movements but from autocratic corporations which hold so many lives in the balance? And where shall we redress our grievances when the regime completes its global transformation, when the people of each nation and their state find that they can no longer identify their rulers, their true rulers, when it is no longer their state which rules?

The most recent U.N. Development Report documents how globalization has increased inequality between and within nations while bringing them together as never before.

Some are referring to this globalization’s dark side like Jay Mazur recently in Foreign Affairs.

“A world in which the assets of the 200 richest people are greater than the combined income of more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place within nations while bringing them to one-third of the world’s exports.”

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now.

Or is it that we just cannot see at all, believing in our current speculative bubble which nobody credible believes can be sustained much longer. We miss the growing anger, fear, and frustration of our people. Believing in the myths our policy priests pass on, we missed the dissatisfaction of our workers, believing in the God “progress” we have lost our vision.

Another warning, this time from Ethan Kapstein in his article “Workers on the World Economy” (Foreign Affairs: Vol. 75, No. 3):

“While the world stands at a critical time in post-war history, it has a group of leaders who appear unwilling, like their predecessors in the 1930s, to provide international leadership to meet economic dislocations. Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their associates. Let the legalism, the legitimate dismiss mounting worker satisfaction, fringe political movements, and plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and balanced budget. Leaders need to recognize the policy failures of the last 20 years and respond accordingly. If they do not, there are others waiting in the wings who will, perhaps on less pleasant terms.

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that social justice is not a threat. Many people feel communism, even in China, is not a threat. Indeed, there are few real security threats to America that could compare to even our recent past.

That will, it may, when we speak of global market economy free enterprise, we massage the terms to merge with manage the competition and planning authorities, all the while suggesting we have met the “hidden hand” and it is good.

We need to also recall what Adam Smith said but is rarely quoted. “Masters are always and everywhere in a sort of tacit but constant and uniform combination not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action and a sort of reproach for a master among his neighbors and questions. We seldom, indeed, hear of this combination because it is usual and, one may say, the natural state of things. Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. They are always conducted with the utmost silence and secrecy till the moment of execution.”

And now precisely, whose responsibility is it to keep an eye on the masters?

I urge my colleagues, Republicans and Democrats, left and right on the political spectrum, to boldly restore the oversight role of Congress in one stroke and join my colleagues and I in supporting H.J. Res. 90 in restoring the sovereignty of these United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEPhardt (at the request of Ms. Jackson-Lee) for June 15 after 10:00 p.m. on account of official business;

Mrs. EMERSON (at the request of Mr. ARMY) for today after 6:00 p.m. and June 20 on account of her daughter’s graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereafter entered, was granted to:

The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:
Mr. LARSON, for 5 minutes, today.

Mr. BALDACCI, for 5 minutes, today.

(The following Member (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and June 20.

Mr. HUNTER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOSSELLA, for 5 minutes, today.

ENROLLED JOINT RESOLUTION

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:


SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of medals in recognition of the contributions of 12 American citizens who served with the United States Armed Forces in World War II.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4387. To provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

ADJOURNMENT

Mr. METCALF. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 20, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8182. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California—Reporting Requirements (Docket No. NV00-989-1 FR) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Certain Food and Feed Additive Tolerance Regulations [OPP–300758; FRL–6404–1] (RIN: 20700–A378) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Certain Food and Feed Additive Tolerance Regulations [OPP–300753; FRL–6401–9] (RIN: 20700–A378) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Certain Food and Feed Additive Tolerance Regulations [OPP–300753; FRL–6401–9] (RIN: 20700–A378) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8186. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–257); to the Committee on Appropriations and ordered to be printed.

8187. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting a report entitled, "Military Child-Care: Meeting Extended and Irregular Duty Requirements"; to the Committee on Armed Services.

8188. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a response to section 801(a)(1)(A); to the Committee on Commerce.

8189. A letter from the Under Secretary, Command, Control, Communications, and Intelligence, Department of Defense, transmitting the “Year 2000 (Y2K) Lessons Learned”; to the Committee on Armed Services.

8190. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on, “Review of Profit Guidelines in the Defense Federal Acquisition Regulation Supplement”; to the Committee on Armed Services.

8191. A letter from the Principal Deputy, Personnel and Readiness, Department of Defense, transmitting a report on the status of the elimination of the backlog and a plan for preventing accumulation of backlogs in the future; to the Committee on Armed Services.

8192. A letter from the Secretary of Defense, transmitting the approved retirement of General Wesley K. Clark, United States Army; to the Committee on Armed Services.


8194. A letter from the General Counsel, Environmental Protection Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8195. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitation Services, Department of Education, transmitting the Department’s final rule—National Institute on Disability and Rehabilitation Research—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8196. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department’s final rule—Consumer Information Regulations: Uniform Tire Quality Grading Test Procedures [Docket No. 00–7364] (RIN: 21271–A096) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8197. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oregon and California; [Docket No. A92–7414] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8198. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Bay Area Air Quality Management District; Designation of Areas; California State Implementation Plan Revocation, Bay Area Air Quality Management District; [Docket No. A92–7414] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8199. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Bay Area Air Quality Management District; Designation of Areas; California State Implementation Plan Revocation, Bay Area Air Quality Management District; [Docket No. A92–7414] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8200. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Bay Area Air Quality Management District; Designation of Areas; California State Implementation Plan Revocation, Bay Area Air Quality Management District; [Docket No. A92–7414] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


8203. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Extension of Operating Permits Program Interim Approval Expiration Dates [FRL–6703–3] (RIN:
CONGRESSIONAL RECORD—HOUSE

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS:
H.R. 4690. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BACA:
H.R. 4691. A bill to amend the farmland protection program of the Department of Agriculture to facilitate a regional approach to the acquisition of permanent conservation easements in the Chino Basin in the State of California; to the Committee on Agriculture.

By Ms. BERKLEY:
H.R. 4692. A bill to direct the Secretary of the Army, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior to participate in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Transportation and Infrastructure.

By Mr. HALL of Ohio (for himself, Mr. BONIOR, Ms. CARSON, Mrs. CLAYTON, Mr. COBURG, Mr. COSTELLO, Mr. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEeks of New York, Mr. RUSH, Mr. TRAFICK, Mr. ENGEL, Ms. LEE, and Ms. KAPUR):

H. Con. Res. 356. Concurrent resolution ac-
cknowledging the fundamental injustice, cru-
ey, brutality, and inhumanity of slavery in the United States and the 13 American colo-
nies, and for other purposes; to the Com-
mittee on the Judiciary.

By Mr. EVANS (for himself, Mr. LIPINSKI, Mr. ROHRABACHER, Mr. BONIOR, Mr. BILIRAY, Mr. GREEN of Texas, Mrs. FOWLER, Mr. UNDERWOOD, Mr. CAMPBELL, Ms. NORTON, Mrs. KELLY, Mr. PALLONE, Mr. ROYCE, Mr. MCGOV-
ERN, Ms. LOPFREN, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Ms. ESQUIVEL):
H. Con. Res. 357. Concurrent resolution ex-
pressing the sense of Congress concerning the action of the Japanese military during World War II; to the Com-
mittee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Ms. ROYBAL-ALLARD introduced a bill (H.R. 4983) for the relief of Sergio Lozano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. CRAMER.
H.R. 266: Mr. PASCARELL.
H.R. 497: Mr. GOODLATTE.
H.R. 531: Mr. CAMPBELL, Mr. MCINNIS, and Ms. MCKINNEY.
H.R. 568: Mr. CRAMER.
H.R. 583: Mr. CARSON.
H.R. 684: Ms. ESQUIVEL.
H.R. 742: Mr. DOYLE and Mr. ALLEN.
H.R. 1005: Mr. MENTZAL.
H.R. 1217: Mr. THUNE.
H.R. 1310: Ms. BALDWIN, Ms. LEE, and Mr. WALSH.
H.R. 1324: Mr. ANDREWS.
H.R. 1325: Mr. ANDREWS.
H.R. 1366: Mr. BACA.
H.R. 1505: Mr. STRICKLAND.
H.R. 1581: Mr. FRELINGHUYSEN.
H.R. 1590: Mr. COSTELLO.
H.R. 1595: Mr. HOLT.
H.R. 1625: Mr. BOEHLER.
H.R. 1899: Mr. ROMERO-BARCEL.
H.R. 2096: Ms. PELOSI.
H.R. 2121: Mr. TIAHRT, Mr. DeFAZIO, Mr. MCGOVERN, and Mr. BOUCHER.
H.R. 2138: Mr. JEFFERSON.
H.R. 2228: Mr. HALL of Ohio.
H.R. 2362: Mr. CANNON.
H.R. 2431: Mr. COLLINS, Mr. MATSUMI, and Mr. HULSHOF.
H.R. 2457: Mr. WALSH, Mr. McINTOSH, Mr. WERZ, Mr. MARKEY, and Ms. WATERS.
H.R. 2831: Mr. HANSEN and Mr. BOREL.
H.R. 2886: Mr. MORAN of Virginia.
H.R. 2706: Ms. WOOLSEY.
H.R. 2710: Mr. GORDON.
H.R. 2790: Mr. FRANKS of New Jersey and Mr. KILDEE.
H.R. 2870: Mr. BONIOR.
H.R. 2953: Mr. WEYGDAN, Mr. SHADROG, Mr. LEWIS of Georgia, and Mr. HALL of Texas.
H.R. 3006: Mr. FACTURER, Mr. MALONEY of Connecticut, and Mrs. CLAYTON.
H.R. 3032: Mr. MCGOVERN, Mr. PHILIPS, and Mr. BOEHLER.
H.R. 3125: Mr. ENGLISH and Mr. SALMON.
H.R. 3144: Ms. McCARTHY of Missouri and Mr. BENTSEN.
AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. R. 4201

OFFERED BY: Mr. MArKEY

AMENDMENT No. 1: Page 3, line 23, insert "educational" after "nonprofit".

Page 4, line 3, insert "educational" before "religious".

H. R. 4201

OFFERED BY: Mr. MArKEY

(AMendment in the Nature of a Substitute)

AMENDMENT No. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncommercial Broadcasting Freedom of Expression Act of 2000".

SEC. 2. CLARIFICATION OF SERVICE OBLIGATIONS OR NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended—

(1) in subclause (I), by inserting before the end the following:

"(ii) The requirements of subsection (b) of this section do not apply to noncommercial educational broadcast stations.

(2) in subclause (II), by inserting before the end the following:

"(iii) The requirements of subsection (b) of this section do not apply to noncommercial educational broadcast stations." "

(b) ADDITIONAL CONTENT-BASED REQUIREMENTS.—

(1) in section 309(a)(7) of the Communications Act of 1934 (47 U.S.C. 309(a)(7)), by inserting before the end the following:

"(m) SERVICE CONDITIONS.—The Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(i) In general.—A noncommercial educational station shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instructional, cultural, or educational religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROMULGATED.—Nothing in this Act shall be construed as affecting the enforcement of the requirements of section 309(a)(7) of the Communications Act of 1934 (47 U.S.C. 309(a)(7)) with respect to noncommercial educational stations.

(c) AUDIT OF COMPLIANCE WITH DONOR PROMISES.—

(1) in the case of section 309(b) of the Communications Act of 1934 (47 U.S.C. 309(b)), by inserting before the end the following:

"(m) BROADCASTING LICENSES.—The Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(2) Additional Content-Based Requirements—Nothing in this Act shall be construed as affecting the enforcement of the requirements of section 309(a)(7) of the Communications Act of 1934 (47 U.S.C. 309(a)(7)) with respect to noncommercial educational stations.

(d) DEPARTMENTAL REorganization:—The Federal Communications Commission shall promulgate regulations in accordance with section 5 of title 5, United States Code, and other applicable law (including the amendments made by section 2).

(e) RULEMAKING DEADLInE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to carry out the amendment made by section 2 within 270 days after the date of enactment of this Act.

H. R. 4516

OFFERED BY: Mr. ANDREWS

AMENDMENT No. 5: Page 40, insert after line 19 the following:

ADMINISTRATIVE PROVISION

SEC. 211. The Comptroller General shall conduct a study of the project proposed to be carried out by the Secretary of the Army to dredge the Delaware River to bring the depth of its shipping channel to 45 feet, and shall include in the study an analysis of the followi

(1) Whether the benefit to the nation of carrying out this project is outweighed by its costs.

(2) The extent to which the project is in compliance with the applicable requirements of the National Environmental Policy Act, including whether the sponsors of the project addressed the following issues in preparing the environmental impact statement associated with this project:

(A) The environmental impact of the disposal sites for materials dredged during the course of the project.

(B) The impact of any dredging of private oil refinery berths which may be associated with the project.

(2) The effect of the project on essential fish and oyster habitats.

(A) Whether the averages of the levels of toxins in samples taken from the sediment of the River failed to reveal areas where toxins are highly concentrated.

(B) The threats to drinking water supplies and water quality.

(3) The environmental and economic impo

(1) Whether the benefit to the nation of carrying out this project is outweighed by its costs.

(2) The extent to which the project is in compliance with the applicable requirements of the National Environmental Policy Act, including whether the sponsors of the project addressed the following issues in preparing the environmental impact statement associated with this project:

(A) The environmental impact of the disposal sites for materials dredged during the course of the project.

(2) The impact of any dredging of private oil refinery berths which may be associated with the project.

(2) The effect of the project on essential fish and oyster habitats.

(A) Whether the averages of the levels of toxins in samples taken from the sediment of the River failed to reveal areas where toxins are highly concentrated.

(B) The threats to drinking water supplies and water quality.

(3) The environmental and economic impo

H. R. 4635

OFFERED BY: Mr. BAKER

AMENDMENT No. 32: Page 14, line 13, insert after the dollar amount the following: "(increased by $30,000,000)

Page 20, line 13, insert after the dollar amount the following: "(reduced by $30,000,000)."
H.R. 4635
OFFERED BY: MR. CUMMINGS
AMENDMENT NO. 33: Page 73, line 3, after the dollar amount insert the following: “(reduced by $2,800,000)”. Page 73, line 18, after the dollar amount insert the following: “(increased by $2,800,000)”. H.R. 4635
OFFERED BY: MR. GREEN OF TEXAS
AMENDMENT NO. 34: Page 90, after line 16, insert the following new section: Sec. 426. None of the funds provided under this Act for the Environmental Protection Agency to issue, implement, or enforce any regulatory program (including reporting requirements) applicable to pipeline facilities for the transportation of hazardous liquids subject to regulations issued by the Office of Pipeline Safety, Research, and Special Programs Administration of the Department of Transportation pursuant to part 185 of title 49 of the Code of Federal Regulations, with respect to the matters regulated under that part.
H.R. 4635
OFFERED BY: MR. HINCHY
AMENDMENT NO. 35: Page 90, after line 16, insert: SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to: (1) the use of dredging or other invasive sediment remediation technologies; (2) enforcing drinking water standards for arsenic; or (3) promulgation of a drinking water standard where such activities are authorized by law.
H.R. 4635
OFFERED BY: MRS. MERK OF FLORIDA
AMENDMENT NO. 36: Page 30, after line 14, insert the following new items: I. RURAL EMPOWERMENT ZONES
For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, to the Secretary of Housing and Urban Development for “Rural Empowerment Zones”, including $10,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.
II. RURAL EMPOWERMENT ZONES
For grants for the rural empowerment zone and enterprise communities program as designated by the Secretary of Agriculture, $15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.
H.R. 4635
OFFERED BY: MRS. MERK OF FLORIDA
AMENDMENT NO. 37: Page 30, line 20, after the dollar amount insert the following: “(increased by $395,000,000)”. H.R. 4635
OFFERED BY: MR. MOLLOHAN
AMENDMENT NO. 38: Page 38, strike the proviso that begin on lines 6, 12, and 16. Page 38, insert the following: For incremental vouchers under section 8 of the United States Housing Act of 1937, $590,000,000, to remain available until expended. Provided, That of the amount provided by this paragraph, $66,000,000 shall be available for use in a housing production program in connection with the low-income housing tax credit program to assist very low-income and extremely low-income families.
Page 25, line 1, after the dollar amount, insert the following: “(increased by $200,000,000)”. Page 25, line 19, after the dollar amount, insert the following: “(increased by $127,000,000)”. Page 27, line 23, after the dollar amount, insert the following: “(increased by $30,000,000)”. Page 29, line 24, after the dollar amount, insert the following: “(increased by $35,000,000)”. Page 30, line 20, after the dollar amount, insert the following: “(increased by $395,000,000)”. Page 33, line 16, after the dollar amount, insert the following: “(increased by $215,000,000)”. Page 33, line 17, after the dollar amount, insert the following: “(increased by $5,000,000)”. Page 36, line 13, after the dollar amount, insert the following: “(increased by $80,000,000)”. Page 37, after line 5, insert the following new item: I. AMERICA’S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT
For the cost of guaranteed loans under the America’s Private Investment Companies Program, $37,000,000, to remain available until September 30, 2003, of which not to exceed $100,000 shall be for administrative expenses to carry out such a loan program, to be transferred to and merged with the appropriation under this title for “Salaries and Expenses”; Provided, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total interest and principal, any part of which is guaranteed, not to exceed $1,000,000,000.
Page 37, line 12, after the dollar amount, insert the following: “(increased by $114,000,000)”. Page 37, line 13, after the dollar amount, insert the following: “(increased by $90,000,000)”. Page 38, line 2, after the dollar amount, insert the following: “(increased by $24,000,000)”. H.R. 4635
OFFERED BY: MR. MOLLOHAN
AMENDMENT NO. 39: Page 73, line 18, insert after the dollar amount the following: “(increased by $322,700,000)”. H.R. 4635
OFFERED BY: MR. NEY
AMENDMENT NO. 40: Under the heading “Medical and Prosthetic Research” of title I, page 9, line 6, insert “(increased by $5,000,000)” after “$221,000,000”.
Under the heading “Environmental Programs and Management” of title III, page 59, line 6, insert “(reduced by $5,000,000)” after “$1,900,000,000”.
H.R. 4635
OFFERED BY: MR. SCOTT
AMENDMENT NO. 41: At the end of the bill, insert after the last section (preceding the short title) the following new section: Sec. 54. INCREASED SPENDING FOR NATIONAL AERONAUTICS PROGRAMS.—The Congress finds the following: (1) The past efforts of the National Aeronautics and Space Administration in aeronautics research have yielded significant technological breakthroughs that have improved aircraft safety and efficiency, including wing design, noise abatement, structural integrity, and fuel efficiency.
(2) Every aircraft worldwide uses National Aeronautics and Space Administration technology.
(3) Past investments in aeronautics research have contributed significantly to the Nation’s economy.
(4) The aerospace industry, made up primarily of aeronautics products, is the number one net positive contributor to the Nation’s international balance of trade.
(5) Over the past decade there has been a dramatic decline in funding for aeronautics research.
(6) Funding for aeronautics research makes up less than five percent of the budget of the National Aeronautics and Space Administration.
(7) In the last two years alone, the aeronautics component of the National Aeronautics and Space Administration budget has been reduced by 30 percent.
(8) A 1999 report by the National Research Council entitled “Recent Trends in U.S. Aeronautics Research and Technology” expressed concern “that the ongoing reductions in [aeronautics] [research and technology (R&T)], which seem to be motivated primarily by the desire to reduce expenditures in the near term, are taking place without an adequate understanding of the long-term consequences” and that the Federal Government “analyze the national security and economic implications of reduced aeronautics R&T funding before the nation discovers that reductions in R&T have inadvertently done severe, long-term damage to its aeronautics interests”.
(9) This Act reduces the already under-funded investment in aeronautics research even further and may impact the long-term safety and convenience of the Nation’s air transportation system.
(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that legislation enacted into law for funding the Department of Veterans Affairs and Housing and Urban Development and independent agencies for fiscal year 2001 should not result in funding for National Aeronautics and Space Administration aeronautical research programs which is less than the level in the President’s requested fiscal year 2001 budget.
H.R. 4635
OFFERED BY: MR. SMITH OF MICHIGAN
AMENDMENT NO. 42: Page 30, line 20, after the dollar amount, insert the following: “(reduced by $230,000,000)”. Page 30, line 21, after the dollar amount, insert the following: “(reduced by $230,000,000)”. Page 77, line 1, after the dollar amount, insert the following: “(increased by $230,000,000)”.
H.R. 4635
OFFERED BY: MR. SMITH OF MICHIGAN
AMENDMENT NO. 43: Page 56, line 13, after the dollar amount, insert the following: “(reduced by $10,000,000)”.
Page 77, line 1, after the dollar amount, insert the following: “(increased by $10,000,000)”.
TRIBUTE TO LINDA DEWITT

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. EVANS. Mr. Speaker, choose a major cause in the Galesburg area and you will find Linda DeWitt. She fought for union causes, women’s issues and a host of community oriented programs and projects. Linda was a long time union activist and worker at Protexall in Galesburg, Illinois. She was the President of her local union, UNITE Local 920 for more than 20 years. She was also the chairwoman of the board of the Chicago and Central States Joint Board of UNITE and the Labor Board of the Galesburg Trades and Labor Council. Linda died on May 15th.

When Linda wasn’t at work at Protexall hemming or pressing pants—a job she did for 28 years—Linda was doing union work. If she wasn’t involved in matters relating her union UNITE, you could find her at the Galesburg Labor Temple tending to matters there. Or perhaps tending to matters involving the Midwest Employees Credit Union, which she chaired.

Linda ran the Labor Assembly in Galesburg and that meant running the bingo to keep the place going. She ran the bingo and did the cooking. She was the chair of the Bingo Board for 18 years. Linda put everything into making sure that the bingo was fun. She was creative in coming up with new ideas, games and prizes to make bingo more than just a game.

Many people believe Linda lived at the union hall. Linda was proud that Galesburg had one of the oldest Labor Day Parades in the country. She was the principal organizer of that parade for many years.

According to her co-workers, Linda had the ability to fit 36 hours worth of accomplishments into a 24-hour day. Linda was always gracious and kind-hearted—always thinking of others and trying to help them before herself. During her battle with a brain tumor, the Peoria Journal Star did a feature about Linda’s struggle. The article depicted Linda’s attitude and her religious faith. Incredibly Linda characterized her illness as a win-win situation. But Linda was always a person who could find light in dark situations.

One of her fellow union members of UNITE Local 920 said she will always remember Linda telling her to “just keep smiling.” That says it all about Linda DeWitt. Linda was quoted as saying that she’s tried to live her life “where people can say I’ve done good.” There can be no question about all the good that Linda DeWitt has been a part of throughout her entire life.

She was always dedicated to her family and her work and she did so much for her union and the community.

Her passing is a tremendous loss for West Central Illinois, the community of Galesburg, her union and her family.

HONORING FORESTVILLE ELEMENTARY SCHOOL’S SIXTH GRADE TEACHERS, DR. JUDITH ISAACSON, AND PRINCIPAL DAVE KULP

HON. THOMAS M. DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the faculty of Forestville Elementary School, particularly its sixth grade teachers, Assistant Principal Dr. Judith Isaacson, and Principal Dave Kulp. I join the sixth grade class of 2000 in saluting the wonderful job they have done and their tireless dedication to their students.

Forestville Elementary has flourished in the twenty years since opening its doors in 1980. It is currently in the top six percent of elementary schools, statewide, with regard to Standards of Learning passage. But it is greatest accomplishment by far is the education and values that Forestville instills into each and every student that walks through its halls and studies in its classrooms.

This elementary school is leaping into the 21st century by taking full advantage of today’s technology and using it to its full potential in the classroom. It has a fully equipped information center which includes CD-ROM, laser disc, and telecommunications stations. Each day, students use classroom computers to accomplish tasks that integrate technology use into all curriculum areas.

Forestville Elementary does not only educate its students in the use of the latest technology, but also emphasizes some of the most important life lessons a child can learn—the joy of helping others and a commitment to the community in which he or she lives. There is a school wide “buddy” program where younger children are paired with older ones who listen to them read aloud, help them complete special projects, and accompany them on field trips. Also, an active outreach program provides school supplies, food, clothing, gifts, and other needed materials to the school’s adopted “sister” school, a local homeless shelter, and victims of natural disasters.

Forestville also encourages children to learn by example—their parents’. The parents in this community work closely with the school on activities such as Project HUG, a reading program for first and second grade students which gives trained parent volunteers the opportunity to work with students who need reinforcement of skills. Over 100 percent regularly volunteer to help children in the computer labs.

And, of course, none of this would be possible without the loving dedication of faculty and staff like Dr. Judith Isaacson and Principal Dave Kulp. These individuals help to create an enthusiastic environment that not only encourages the students to pursue their studies with vigor, but also helps them develop a love of learning that will stay with them throughout their lives. The faculty and staff are the people who bring Forestville’s Core Knowledge Sequence to life in the classroom, ensuring that each student has a solid, coherent foundation in history, geography, mathematics, science, language arts, and the fine arts. They are the people who are teaching these children to have a sharp mind, an honest heart, and a strong sense of duty to both their community and their country. I am glad to see that the education of the future leaders of the 21st century are in these very capable hands.

Mr. Speaker, in conclusion, I would like to commend Forestville Elementary and all its faculty and staff for the outstanding job they have done with these students. On behalf of the sixth grade class, thank you for your hard work, dedication, and endless support.

PERSONAL EXPLANATION

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote the afternoon of June
TRIBUTE TO SHELLY BAUGH

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to share the story of a young woman from Centralia, IL, Shelly Baugh. Shelly's father served his country honorably and was killed during the Vietnam conflict when she was only 3 months old. Until recently, she had spent her life trying to find any details out about her father. Pvt. Richie Githins. Twelve years ago a man who had served with her father made contact with her. His name was Chuck Gregoire of Allen Park, MI. Since then Shelly and Chuck have spent many hours together talking about her brave father. The pair also traveled to Vietnam together to see the place where her father was killed at gunpoint.

With yesterday being Flag Day, and with Father's Day just around the corner, Shelly's story is especially poignant. It is easy to get caught up in our day-to-day struggles, that we sometimes forget what is truly important—our family and our spirit. Shelly never forgot these values.

I want to take this opportunity to say thank you to Shelly for keeping the story of her father alive. Her father gave the ultimate sacrifice to protect our flag and our way of life. Shelly has fought hard to capture and remember her father's spirit. To both of them, I say thank you for a job well done.

HONORING DOUG HARRISON

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Doug Harrison for his 30 years of outstanding community service with the Fresno Metropolitan Flood Control District and Fresno County.

Mr. Harrison is the General Manager-Secretary of the Fresno Metropolitan Flood Control District, having served in that capacity since 1972. The American Waterworks Association recognized his work in urban run-off quality research as the best water resources research of 1988. Also, Mr. Harrison was acknowledged by the State Water Resource Control Board in 1993 for federal Clean Water Act program assistance. Subsequently, he was named by the American Public Works Association as one of the Top Ten Public Works Leaders in the nation in 1993; and, Manager of the Year, 1999, by the California Special Districts Association.

Mr. Harrison has spoken nationally on urban storm water and flood control issues, including frequent testimony before the Congress of the United States and the California State Legislature. He has also published numerous articles and was a contributing author for a national water resources policy white paper developed by the National Water alliance for the Bush Administration.

He also serves as a Board Member of the San Joaquin River Conservancy. He is currently serving as a member of the Board Directors of the Association of California Water Agencies, and is also the past President and a current Board Member of the National Association of Flood and Storm Water Management Agencies.

Mr. Speaker, it is my pleasure to honor Doug Harrison for his 30 years of service with the Fresno Metropolitan Flood Control District and Fresno County. I urge my colleagues to join me in wishing Mr. Harrison many more years of continued success.

TRIBUTE TO RICHARD H. MARRIOTT

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to Richard H. Marriott, former mayor of Sacramento. One of our area's most outstanding citizens, Mr. Marriott passed away on Sunday, June 4, 2000, due to complications with cancer and heart problems. As his friends and family gather for his memorial service, I ask all of my colleagues to join with me in commemorating his life and many accomplishments.

Born in Ely, NE, Richard Marriott was one of four children of the former Anna Gertude Bernard and Joseph E. Marriott. He graduated from Nevada City Union High School in 1935, and he earned his bachelor's degree in English from the University of San Francisco in 1940. He went on to perform his graduate work at the University of California, Berkeley.

Richard Marriott's distinguished political career began in 1959 at a time when there was no district system in local politics. Starting in 1966, he began the first of two terms as mayor of Sacramento.

In 1975, he was appointed by then-Governor Jerry Brown, to the State Unemployment Insurance Appeals Board. Four years later, the governor named him deputy secretary of the Health and Welfare Agency. He retired from public service in 1982.

As a city councilman, Richard Marriott made a name for himself in championing the defense of organized labor. As mayor, he continued that pursuit. In addition to fighting for workers' rights, he served as editor and manager of the Valley Union Labor Bulletin. According to former mayor Phillip Isenberg, Mr. Marriott was the only modern mayor to come from organized labor.

Among various other accolades, Richard Marriott was credited with establishing pre-
TRIBUTE TO JANICE CALLARMAN

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Janice Callaman of Mt. Vernon, IL. After 41 years of teaching she is retiring.

Over her distinguished career, Mrs. Callaman has taught in Saginaw, TX, Waterter, MA, and at Casey Jr. High School and Lincoln Grade School in Mt. Vernon, IL. She has been dedicated to, and responsible for educating and shaping the lives of countless number of students.

As a former teacher myself, I want to thank her for all she has done. She has committed her life to one of the most difficult, yet most rewarding tasks. I wish her the best in her retirement. She will be missed.

CONGRATULATING AMORETTE YANG

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate and honor Amorette Yang, who has achieved national recognition for exemplary volunteer service in her community.

Ms. Yang is involved in numerous volunteer activities. Her most recent activities include the Hispanic American Volunteer Association, a project for Hispanic International New Year Cultural Events, Adopt a Highway, Clovis High Tutoring Program, College Church of Christ Nursery, College Church of Christ a cappella choir “In His Steps,” CUSD Elementary Cheer Camp Coach, and CUSD Leadership Camp facilitator. With all of her volunteer accomplishments, Ms. Yang still is able to maintain a high grade point average.

The program that has brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are extremely important and highly valued, and to inspire others to follow their example. In only 5 years, the program has become the nation’s largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Speaker, I rise to congratulate Amorette Yang, who has received national recognition for exemplary volunteer service in her community. I urge my colleagues to join me in wishing Amorette Yang many more years of continued success.

DEPARTMENT OF THE INTERIOR; AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF
HON. F. JAMES SENSENBRENNER, JR.
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 15, 2000

The House in Committee of the Whole on the State of the Union had under consideration H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2001, and for other purposes:

Mr. SENSENBRENNER. Mr. Chairman, I wish to comment on the Department of Energy’s (DOE) fossil energy and energy conservation research and development (R&D), and fossil coal technology provisions in H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2001. H.R. 4578 represents the hard work of Mr. REGULA and the members of the Appropriations Subcommittee and Committee and I appreciate their diligence.

The science committee has responsibility for setting authorization levels for funding civilian research at the DOE. The Committee has passed two authorization bills which address DOE fiscal year 2001 funding: (1) H.R. 1655, the DOE Research, Development, and Demonstration Authorization Act of 1999; and (2) H.R. 1656, the DOE Commercial Application of Energy Technology Authorization Act of 1999. H.R. 4578 appropriates $535.6 million for energy conservation R&D programs, while H.R. 1655 and H.R. 1656 provide a combined $623.2 million for similar programs. Furthermore, H.R. 1655 and H.R. 1656 provide $442.4 million for fossil energy R&D, and H.R. 4578 provides $410.4 million for similar accounts. Although H.R. 4578 does not fully fund these accounts to their authorized levels, Chairman REGULA has made a serious effort to fund R&D in a tight fiscal framework. Despite the shortfall in R&D funding, I am pleased the bill does provide $117.7 million for the Science Committee’s Energy Efficiency Science Initiative.

I am also pleased to see that section 330 of H.R. 4578 contains the Knollenberg amendment that prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol to the UN Framework Convention on Climate Change prior to Senate ratification. Mr. KNOLLENBERG’s language assures taxpayers that Senate ratification must precede actions to implement the Kyoto Protocol. Given the glaring problems with this unfunded, unsigned, and unratified Protocol, such a limitation is proper and necessary and I commend the Appropriations Committee for including it in H.R. 4578.

HONORING PRO FOOTBALL GREAT MICHAEL GREEN

HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. COX. Mr. Speaker, 15 years ago, our colleague from California, Mr. Badham, who represented Newport Beach before I had that honor, rose in this chamber to commemorate the 10th Anniversary of an important community event in Orange County. The event was premised on the “simple act of doing something nice for someone for no reason.” Today, 25 years after the people of Orange County first decided to do something nice for someone for no reason, I’m pleased to report that “Irrelevant Week” and Orange County altruism are both thriving.

Irrelevant Week XXV is honoring Michael Green, from Northwestern State in Louisiana, who was selected 254th in the NFL draft. He is headed for the Chicago Bears, where—at six feet tall and 189 pounds—he will have trouble eclipsing the legend of Refrigerator Perry. Such long odds do not dampen the enthusiasm of community leaders like Paul Salata, who put this all together. That’s because they recognize that all fame is fleeting, that humility is a virtue, and that even the last-round NFL draft pick is a significantly better athlete than most Members of Congress.

Today, my colleague Mr. ROHRABACHER shares with me the honor of representing the City of Newport Beach, and he joins me in congratulating all of those involved in this celebration, which has now, we can all agree, outgrown its name—for there is little in this world today that is more relevant to our spirit of community and our common humanity than doing nice things for other people. On behalf of the United States Committee of the people of Orange County whom it is my privilege to represent, congratulations to everyone associated with Irrelevant Week XXV, for being more relevant than you care to admit.
Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize “Operation First Choice”. This group of Mt. Vernon, IL, residents recently received the “Make a Difference Day” Award sponsored by USA Weekend magazine.

They are a volunteer group set in place to offer area kids a chance at excelling in various activities, helping many who might be considered at-risk off the streets and out of trouble. The group consists of the Police Athletic League, Young Marines, and others.

I want to take this opportunity to thank the volunteers of Operation First Choice for their commitment to serving as positive role models. They truly are making a difference every day in the lives of the kids of Mt. Vernon and Jefferson County.

LEROY COLLINS: HERO OF THE STRUGGLE

HON. JOHN LEWIS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. LEWIS of Georgia. Mr. Speaker, the Civil Rights Movement is replete with examples of men and women who risked great personal harm and displayed unwavering courage in the face of danger. Men and women whose names may not be as familiar to us as the names of Dr. Martin Luther King, Jr. or James Farmer, but who nevertheless made huge contributions to the struggle for freedom. One such person was LeRoy Collins, former governor of Florida, whose mediation skills and nonviolent nature helped Alabama avoid a long and-death matter.

As we all know, the first attempt by marchers to cross the Edmund Pettus Bridge on that fateful day—March 7, 1965, Bloody Sunday—was met with unconscionable violence initiated by Alabama state troopers. As plans were made for the second attempt, many expected the same outcome.

But I would like to discuss with you a different kind of curse. Call it the “Curse of the Can-Do”. This curse afflicts the United States Coast Guard, and its long, proud tradition of never turning down a call for help. Of never shirking new responsibility. Even when the gas tank is literally on empty.

It’s too late for the Red Sox to get Babe Ruth back. But we still have an opportunity to ensure the readiness of the Coast Guard to discharge its lifesaving mission. I take the House floor tonight to thank my colleagues who in the last few days have helped lead us in that direction—but also to warn that we’re still sailing into a very stiff wind.

Last month, this House took historic steps to shore up Coast Guard resources to save lives, prevent pollution, fight drugs, help the economy, respond to natural disasters, and enhance national security. It’s up to us to see these efforts through.

This year, the Coast Guard was the only federal agency to earn an “A” from the independent Government Performance Project for performance budgeting overcame short staffed with new and burdensome missions. Far too tempting.

Historically, the Coast Guard has discharged whatever duties it was assigned. As a Service originally created in 1790 to regulate maritime duties, its responsibilities have appropriately grown with the changing needs and technology of the times.

As co-chair of the House Coast Guard Caucus, along with Representatives HOWARD COBLE and GENE TAYLOR, I have had grave concerns with new and burdensome duties far too tempting. Most recently, much has been made of the demands on the Coast Guard for work in the area of illegal drug interdiction. As a former prosecutor, I’m all for fighting the drug war and have fully supported calling upon the Coast Guard to step up its interdiction efforts—but not at the expense of its core mission, the saving of human life.

We can’t just wish away the costs, and I’m not ready to start treating search-and-rescure like a luxury we can do without—any more than you can move one clip of the beat, then complain about street crime.

We have stretched the Cost Guard so thin for so long that it can barely be expected to fulfill its credo, Semper Paratus—“always prepared”. And there are scores of new missions in the wings.

This year, the Coast Guard was the only federal agency to earn an “A” from the independent Government Performance Project for operating with unusual efficiency and effectiveness. That assessment placed the Coast Guard at the very top of 20 Executive Branch agencies because its “top-notch planning and performance budgeting overcome short staffing and fraying equipment.”

It all came down, they concluded, to that Can-Do attitude. “The Coast Guard,” they said, “is a CAN-DO organization whose ‘CAN’ is dwindling while its ‘DO’ is growing.”

This can’t continue. Not when the average age of its deepwater cutters is 27 years old, making this force the second oldest major naval fleet on the globe. Not when fixed-wing aircraft deployments have more than doubled, and helicopter deployments are up more than 25 percent—without any increase in the number of aircraft, pilots or crews.
Not when duty officers suffer chronic fatigue because staffing constraints permit only four hours of sleep at night, not when a congressional testimony before Congress that there’s not enough fuel to power his boats and planes.

And not when Coast Guard radio communications units are 30 years old, like the one described in a recent news account that began this way:

If you dial 911, say the word ‘fire’ and run outside, a fire engine will show up at your driveway. If you pick up the handset on your VHF–FM radio, say the word ‘Mayday’ and jump overhead, you could very well drown or die of hypothermia.

Study after study has documented these hazards. A recent Interagency Task Force concluded that “block obsolescence . . . presents a threat that [the Coast Guard] could soon be overwhelmed by a mismatch between its missions and the quantity and quality of the assets to carry them out.”

A 1997 General Accounting Office review was even more blunt. It projected $90 million annual reductions in operating expenses just to bridge the gap. GAO was alarmed by “the sheer size of the gap and the dwindling number of available efficiency-related options.”

Where I’m from, a marine distress call is an urgent plea for emergency law enforcement and rescue personnel. When oil spills jeopardize economic as well as environmental resources; when frozen rivers trap heating oil barges; when the well-being of both fish and fishermen are threatened; when offshore dangers strike, we know were to turn.

That’s why when the ink dried on the House DOT appropriation, there was reason for new and genuine hope. Like having Pedro Martinez in the starting rotation, it felt like this really could be the year.

The DOT bill approved recently for next year increases Coast Guard accounts by nearly $600 million, a 15 percent boost. It also includes $125 million to help modernize aging airplanes, helicopters and motor lifeboats—and upgrade, rather than abandon, Coast Guard stations and the communities they serve.

Years from now, the 395 House colleagues who voted for the DOT bill can look back and take satisfaction from the knowledge that they helped saved a life, a coastal community, an international alliance—or maybe even a marine species or two.

But that old curse still hovers over the Coast Guard. Just this week, the Senate Subcommittee came in $200 million lower.

The timing could not be worse. The Senate action followed two rounds of Coast Guard cutbacks for the current fiscal year, reducing cutter days and flight hours by 10 percent.

Why? Because the Coast Guard responded to natural disasters, but the Congress failed to pass emergency supplemental funding. And because a variety of overdue personnel benefits, for everything from housing to health care, were mandated by the 2000 Defense Authorization—but with no money to pay for them.

There’s more. The good news is a new effort, through the pending Military Construction bill, to restore $800 million in supplemental funding. But since only a third of that is designated as “emergency expenses,” the base-line for future Coast Guard budgets, next year and beyond, would be seriously compromised. So I express gratitude for the progress made in the chamber thus far. But also to raise a warning flag about the two challenges immediately ahead.

Specifically, I urge my colleagues to hold firm in conference on the House-approved allocation in the Transportation Appropriation bill. And then to recede to Senate conference regarding the $800 million in the MilCon measure.

That’s what it will take for the Coast Guard to do their job that we have assigned it to do. To contain oil spills. To catch smugglers. And, most important of all, to save lives.

Mr. THOMAS. Mr. Speaker, we have recently voted to renew permanent normal trade relations with China, which I believe will provide economic opportunities for us and further advance reforms that will promote democratization and hopefully improve human rights in that region.

China recently negotiated to become a member of the World Trade Organization, a union of 135 nations who will require China to follow established trade rules. China has agreed to lower tariffs and duties on many products imported from foreign countries including the United States. These lowered tariffs will increase American exports, expand opportunities for our businesses, and create new jobs. If we had not granted permanent normal trade relations with China, we would have lost these economic benefits to other countries that would trade with China.

Increased trade with China will create new jobs and stimulate the economy in my district. Lowered tariffs will apply to California’s Central Valley agricultural products, such as almonds, oranges, grapes, and cotton. In a few years, China will reduce its tariff on almonds from 30 to 10 percent, on oranges from 40 to 12 percent, and on grapes from 40 to 13 percent. China will also import millions of additional tons of cotton at a low duty. These lowered tariffs and duties will lead to lower prices for Chinese citizens who will demand more products, necessitating increased production in the Valley. New agricultural jobs will support this increased production.

We are already reaping abundant benefits from trade with other countries. Since July of 1999, Kern County alone has shipped over 220,000 tons of cotton to Mexico. Production, transportation, and marketing of cotton for Mexico have generated numerous jobs in the Central Valley. Because China’s population is significantly greater than that in the other countries with whom we trade, the amount of products we will export there will also be significantly greater.

Not only will increased trade benefit our economy, but it will also help further the expansion of freedoms in China. In any nation, this process takes time. Our own nation’s history attests to this fact. The rights guaranteed in our Constitution have not always been granted to everyone. For example, slavery, with all its abuses, was decreed for 78 years after the ratification of the Constitution. Eighty-three years after the Constitution, the Fifteenth Amendment theoretically granted suffrage to all people, regardless of “race, color, or previous condition of servitude,” but these rights continued to be denied to people of color. Our country progressed over time to expand and guarantee equal protection of rights under the law.

Just as the expansion of freedoms has progressed over time throughout the history of the United States, so it will take time for China to extend more freedoms to its citizens. China is just starting the process we have been pursuing for over two centuries, and they are in a different situation than was the United States at its foundation. Chinese leaders do not regard the individual as the focus of our Declaration of Independence, “endowed by their Creator with certain unalienable Rights.” Their government does not derive its “just Power from the Consent of the Governed.” The Chinese have still to develop a real understanding of the value of the individual.

Communist Party control over the financial future of Chinese citizens is weakening. Millions of people are migrating away from state-owned enterprises to work in private businesses. At these businesses, they experience improved working conditions and higher wages. They are less dependent on the government, can make their own choices, and thereby have more personal control over their lives. As this movement into the private sector continues, more people will come to expect and demand the reforms necessary to guarantee individual rights.

Exposure to international trade rules will enable the Chinese to appreciate establishing rule of law within their country. Increased trade with all nations will acquaint Chinese citizens with innovation and the benefits from sources outside their government. These ideas will increase their awareness of the rights and freedoms to which they are entitled. Chinese citizens may in time pressure their leaders for reforms that will guarantee these rights and freedoms. Our trade relations will allow us to support the Chinese people if they choose to push for these reforms.

For all of these reasons, I am pleased that the House has voted for permanent normal trade relations with China. The bill is now in the Senate, where I am hopeful it will pass so that the United States and China together can secure the benefits of a more open trade relationship.

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Matt Linwong, a freshman at Mt. Vernon Township High School in Mt. Vernon, IL, for his academic achievement.

Tribute to Matt Linwong
He recently scored a perfect 800 in English on the SAT and a near perfect 750 in math. As a result, Matt has been accepted to the Illinois Math and Science Academy in Aurora, IL, which is a school for 10th–12th grade Illinois students who excel in mathematics and science. I want to wish Matt the best as he begins this new chapter in his life. He is an amazing young student who I know will go far and do great things.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF
HON. NANCY L. JOHNSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to urge my colleagues to vote to move this bill forward but also to express my concerns about what I consider to be seriously inadequate funding levels for education, health, and job training.

Chairman John PORTER did an admirable job constructing this bill considering the difficult 302(B) allocation he was given in the budget resolution. I opposed that resolution because it inadequately funded so many agencies. But as in years past, the Senate has more generous subcommittee allocations and therefore will fund many programs at higher levels than the House. Furthermore, the President has consistently advocated higher spending levels, though he has funded them appropriately for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF
HON. RON LEWIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under
consideration the bill (H.R. 4578) making appro-
priations for the Department of the Inter-
ior and related agencies for the fiscal year
ending September 30, 2001, and for other pur-
poses:

Mr. LEWIS of Kentucky. Mr. Chairman, I
move to strike the last word and rise to sup-
port this amendment that helps provide for our
states and local communities.

While I support all the funding increases in
this amendment, the increase in the Payment
in Lieu of Taxes program is of particular inter-
est. Last year, we approved an amendment to
increase PILT by twenty million dollars and
came out of conference with a ten million dol-
lar increase. This amendment will add ten mil-
dion dollars to last year’s appropriation, the
base amount in this legislation.

The federal government has a responsibil-
ity in law to help support local governments in
areas where the federal government owns the
tax, thus removing it from the local tax base.
We all know how capricious income and tax de-
cisions of Chairman REGULA’s sub-
committee, that appropriations for PILT have
not kept up with the authorized amounts. An
increase of ten million dollars will not close
this gap, but it will provide much-needed as-
sistance to local governments.

For the residents and government of
Edmonson County in my district in Kentucky,
the support from PILT is essential. Edmonson
County is home to Mammoth Cave National
Park. While the park draws many visitors to
this rural area, Edmonson County’s small pop-
ulation and low per capita income make it diffi-
cult for local taxpayers to provide basic ser-
dices, from waste management to emergency
services. The support from an increase in
PILT will keep the cost of these services more
bearable to local taxpayers.

PILT funds help support a 24-hour ambu-
ulance service for the National Park and county
residents. Federal land ownership has con-
tributed to the isolation of much of Edmonson
County. When major transportation routes ex-
panded in the past, the county was bypassed
in favor of areas with a larger property tax
base to support the projects. Equitable PILT
payments are paid to the tax base as Edmonson
County has given up for the Na-
tional Park as the area faces new challenges
for economic development.

The situation faced by Edmonson County is
far from unique. As the federal government
continues to place responsibilities on local
authorities, PILT increases are necessary to
relieve local taxpayers across the country,
much of them in rural areas. The Bureau of
Land Management reports property taxes
would provide local governments with one dol-
lar and forty-eight cents per acre. PILT pay-
ments are far below that amount per acre. It
is difficult to explain to constituents why PILT
appropriations have not followed the amounts
authorized when they have not even come
close. It is difficult to explain why Congress
creates new programs when we are not fund-
ing the ones already in existence.

I strongly urge my colleagues to support this
amendment. By doing so you add $10 million
dollars to PILT to aid local taxpayers in rural
areas and fulfill a pledge made by the federal
government.

Mr. MORAN of Virginia. Mr. Speaker, today
I commend the Women’s Lightweight Eight
Crew of T.C. Williams High School in Alex-
dria, VA, for their fine season this spring. The
T.C. lightweight crew captured gold medals at
the Virginia State Championships, the pres-
tigious Stotesbury Cup Regatta in Philadel-
phia, and the Scholastic Rowing Association
of America championship. They followed these
successes with a silver medal at the Canadian
Secondary Rowing Association Championship
at St. Catherine’s, Ontario.

Their success this year continues a tradition
of strong lightweight rowing at T.C. Williams
High School. The Women’s Eight has cap-
tured gold medals at Stotesbury and the Scho-
lastic Rowing Association for three of the last
four years.

This lightweight crew excels not only athlet-
ically but also in their academic work as well.
The crew has a collective grade point average that
is close to 4.0. Crew members are: Jo Beck,
Mary Higgins, Carter Kidd, Riley McDonald,
Janie Roden, Kaitlin Donlay, Catherine Free-
man, Anna Gullickson, and Clare McIntyre.

The coach of the Women’s Lightweight
Eight, Steve Weir, completed his 25th year
coaching women at T.C. Steve has had unpar-
alleled success, winning the Stotesbury Cup for
lightweights 12 out of 18 attempts. Parents of
the girls who row for Steve say that he has
had a major impact on their lives both athlet-
ically and in other aspects through the exam-
ple of his integrity and devotion to excellence.
I am very proud of Steve Weir and his fine
crew.

Ms. PELOSI. Mr. Speaker, I rise to acknowl-
dge Naomi Gray’s contributions to the Citi-
zens’ Advisory Commission to the Golden
Gate National Recreation Area and Point
Reyes National Seashore as she steps down
after nearly six years of service. Ms. Gray has
been a consistent leader in the fight to make
our National Parks a treasure for all of our cit-
zens. Throughout her entire illustrious career,
she has sought to make our world more just,
and it is my honor to commend this dedicated
San Franciscan.

Naomi Gray served as one of the original
members of the Board of Directors of the Fort
Mason Foundation, which oversees one of the
first urban National Parks in the country. On
the Board, Naomi consistently worked to en-
sure that the Center offered programs and
services of interest to persons from a wide va-
riety of cultural backgrounds.

Because of her outstanding service at the
Forest Mason Foundation and her years of
dedicated community activism, Secretary of
the Interior Bruce Babbitt selected Naomi in
1994 to sit on the Citizens’ Advisory Com-
mssion to the Golden Gate National Recreation
Area and Point Reyes National Seashore. On
this commission, she served as chair of the
Diversity Committee and as a member of the
Presidio Committee. She brought to the Com-
mision a concern for how our National Parks
are perceived and how they can be made more
welcoming to minority communities. Her work
helped to open the Golden Gate National
Recreation Area to all of our citizens.

Naomi’s work on the Citizens’ Advisory
Commission is just one of her many activities
in public service. She has worked much of her
life to advance the cause of public health.
After serving as the Director of Field Services
for the Planned Parenthood Federation of
America, she became the first women Vice-
President of the organization. With Planned
Parenthood, she coordinated the work of more
than 250 family planning affiliates in the
United States and consulted with many inter-
national family planning programs.

In 1985, San Francisco established its first
Health Commission, and Naomi was selected
as a founding member. Naomi became a Vice-
President of the Commission, chaired its
Budget Committee, and worked to strengthen
and improve the Department of Public Health’s
Affirmative Action programs. Her service was
so exemplary that, upon her retirement from
the Commission, Mayor Frank Jordan was
moved to declare October 8, 1992, as “Naomi
Gray Day” in San Francisco.

Ms. Gray has also dedicated her significant
talent and energy to working on issues of im-
portance to the African-American community.
In 1991 she helped establish the Sojourners
Coalition of AIDS, a member of the Black
Chamber of Commerce, a member and past
President of the San Francisco Black Leader-
ship Forum, and has served on San Fran-
cisco’s African-American Child Task Force.

Mr. Speaker, Naomi Gray’s thoughtful con-
tributions to the Citizens’ Advisory Commis-
sion will be sorely missed. Undoubtedly, how-
ever, she will continue her work on behalf of
the people of San Francisco in a new forum
and with renewed energy. She is a tireless
fighter, and our City is fortunate to have her.
I wish her all the best.

Mr. SHIMKUS. Mr. Speaker, I rise before
you today to commend Nadia Shakoor of
Springfield, IL for being selected as a finalist
in the Intel International Science and Engi-
neering Fair. She was one of 1,200 students
from over 40 countries who traveled to Detroit,
MI to compete for more than $2 million in awards
and scholarships.

As a teacher myself, I want to recognize
Nadia for her academic achievement. Her suc-
cess has not come without hard work though.

Ms. PELOSI. Mr. Speaker, I rise to acknowl-
dge Nadia’s contributions to the Cit-
zens’ Advisory Commission to the Golden
Gate National Recreation Area and Point
Reyes National Seashore as she steps down
after nearly six years of service. Nadia
Shakoor has been a consistent leader in the fight to
make our National Parks a treasure for all of our cit-
zens. Throughout her entire illustrious career,
she has sought to make our world more just,
and it is my honor to commend this dedicated
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I wish her all the best.

Tribute to Nadia Shakoor

Ms. PELOSI. Mr. Speaker, I rise to
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Springfield, IL for being selected as a finalist
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from over 40 countries who traveled to Detroit,
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and scholarships.

As a teacher myself, I want to recognize
Nadia for her academic achievement. Her suc-
cess has not come without hard work though.
I applaud her for her motivation and desire to learn and grow.
I wish her the best as she continues her education. I know success will follow her wherever she may go.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPRECH OF
HON. MARK GREEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. GREEN of Wisconsin. Mr. Chairman, I submit the following resolutions for the Record:

WHEREAS, our National Forests were established in the 1900's for multiple use including soil and water protection, recreation, and timber production, and;
WHEREAS, harvesting is an integral component of multiple-use management of forest lands, and;
WHEREAS, it is not in the best interest of sustainable management to ban commercial logging on National Forests, and;
WHEREAS, the health of adjoining private and other public forest lands would be in jeopardy if National Forest lands were allowed to become overstocked and subject to insect and disease infestations, and unnecessary fuel build-up were allowed to create the potential for disastrous wild fires, and;
WHEREAS, timber harvested on the National Forests is vital to many local and regional economies, including that of Vilas County, and;
WHEREAS, Wisconsin's National Forests are not producing below cost timber sales and are overutilized by commercial logging, and;
WHEREAS, there would be an increase in pressure to harvest County Forest Lands and private lands in the area if harvesting ceases on the National Forests within the state, and;
WHEREAS, the State Forester of Wisconsin is also opposed to the halting of commercial logging on National Forests.

Now, therefore, be it resolved, That the Vilas County Board of Supervisors does hereby:
1. Oppose programs such as the Roadless Initiative that place unwanted and unnecessary restrictions on use and access of the National Forests, and
2. Advocate a new Land and Resource Management Plan which would rollback several costly, unnecessary restrictions on National Forest use and access, and
3. Support the efforts of the National Forest Resource Committee, made up of concerned parties from around the Great Lakes Region, led by WCA and including logging companies, recreation enthusiasts, policy-makers and others, has been formed to fight against further restrictions on use of the National Forests.

WHEREAS, the Board of Directors of the Wisconsin Counties Association (WCA), have unanimously passed a resolution stating vehement opposition to the Roadless plan, and
WHEREAS, the National Forest Service is currently revising its Land and Resource Management Plan, which could place even more restrictions on use and access of the National Forests, and
WHEREAS, the National Forest Service, in response to the Roadless Initiative which place unwanted and unnecessary restrictions on use and access of the National Forests, and
WHEREAS, President Clinton and the National Forest Service have recently proposed the Roadless Initiative that place unwanted and unnecessary restrictions on National Forest use and access; and
WHEREAS, the proposed Ten Year Plan will result in more land going into restrictive use, non-motorized use, of wilderness areas; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, Florence County has adopted a similar Resolution objecting to the present revisions of the Nicolet Forest Ten Year Plan; and
WHEREAS, it is appropriate for the Forest County Board of Supervisors to object to the proposed revisions in the Ten Year Plan with respect to the Nicolet National Forests.

Now, therefore, be it resolved by the Forest County Board of Supervisors, That said Board strenuously objects to any land under Federal ownership being used for anything other than multiple use and management for timber production.

Be it further resolved, That a true and correct copy of this Resolution be forwarded to the Wisconsin Counties Association, the Governor, Congressman Mark Green, and U.S. Senators Russ Feingold and Herb Kohl.

RESOLUTION
WHEREAS, the United States Forest Service is in the process of developing the Nicolet Forest Plan Revision with respect to the Ten Year Plan for use of the Nicolet National Forest; and
WHEREAS, a significant portion of all management alternatives proposed for the national forest land based in Forest County is allocated for research and restrictive use in all of the alternatives of the plan that are presently being developed; and
WHEREAS, the Forest County economy and recreational activities depend upon use of the National forest; and
WHEREAS, the proposed Ten Year Plan will result in more land going into restrictive use, non-motorized use, of wilderness areas; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, Forest County objects to the allocation of any more land going into such limited uses; and
WHEREAS, it is appropriate for the Forest County Board of Supervisors to object to the proposed revisions in the Ten Year Plan with respect to the Nicolet National Forests.

Now, therefore, be it resolved by the Forest County Board of Supervisors, That said Board strenuously objects to any land under Federal ownership being used for anything other than multiple use and management for timber production.

Be it further resolved, That a true and correct copy of this Resolution be forwarded to the Governor, to Wisconsin’s Representatives and Senators in the United States Congress, George Meyer, Secretary of the Department of Natural Resources, Gene Francisco, State Forester, the Wisconsin County Forests Association, and the President of the United States.

Respectfully submitted by: Vilas County Forestry, Recreation, & Land Committee.

RESOLUTION NO. 14-00
WHEREAS, the counties of Wisconsin support sound forest management policies, which as-
of great interest and concern to the residents of northern Wisconsin, including those of Oneida County, and
Whereas, these forests provide forest products, recreational opportunities, clean air and water, jobs, and scenic beauty to said residents,
Whereas, the Nicolet and Chequamegon are currently going through a planning process which will dictate their future management policies and objectives, and
Whereas, there are several initiatives emanating from sources outside northern Wisconsin which are attempting to sway the planning process and thereby the future management of the forests to include large roadless areas and to eliminate commercial harvesting of forest products, and
Whereas, these proposals would negatively impact the economy of Northern Wisconsin and the ability of both the residents and visitors to Northern Wisconsin to travel through and enjoy these National Forests, and
Whereas, when the Federal government sought to purchase the lands for these forests in the early part of the 20th century it made an agreement with the local governments that these lands would provide stability for local economies through sound resource management, and
Whereas, by locking up large areas of the forest and thereby curtailing the recreational use of these productive forest products, this promise would be broken, and
Whereas, roadless areas also prevent the forest from being protected from the dangers of fire and large tracts of overmature timber are subject to disease and insect outbreaks, so
Now, therefore, be it resolved, That the Oneida County Board of Supervisors go on record in support of the production of forest products from the National Forests in a sustainable forestry initiative in conjunction with the concept of multiple use management, and
Be it further resolved, That the Oneida County Board of Supervisors go on record in opposition to roadless area initiatives which preclude citizens reasonable access to the recreational and aesthetic amenities of their forest, and
Be it further resolved, That this resolution be forwarded to the State’s Forest Service, the United States Senator and Representative, the State’s Conservation Department, the Director of the Conservation Commission, and the State’s County Commissioners, and
That the resolution be forwarded to forestry organizations, the Wisconsin Commercial Forestry Conference held at Milwaukee, March 1928,
Passed unanimously at the May 18 membership meeting.

(From Forestry in Wisconsin—A New Outlook by W. P. Overcash, Milwaukee Wisconsin Commercial Forestry Conference Held at Milwaukee, March 1928)

FEDERAL ACTIVITIES IN WISCONSIN FORESTRY

(387x80)by L. F. Kneipp, Asst. Chief Forester.


The present Federal forestry activities affecting Wisconsin consist of: Silvicultural Research (Lake States Forest Experiment Station, St. Paul) and Forest Products Research, Forest Products Laboratory, Madison. Taxation studies and co-operation in fire control, educational activities and planting is also being conducted. Establishment of the United States in buying land with the state and county officials.

Establishment of a National Forest.—The redemption of the lost provinces of forestry, i.e., the 81 million acres of new unproductive lands, presents special and peculiar problems, for on these lands new forests, in large degree, must be built from the ground up by heavy investments which will return little or no cash returns. To permit of Federal co-operation in this work of forest reclamation the Clarke-McNary Law provides that with the prior consent of the state, lands may be purchased by the Federal government and permanently administered as national forests. This provision is an extension of the original act of 1675 and was only pitiful remnants of that wealth remaining but only pitiful remnants of that wealth remaining as part of the forest lands. There is no selfish purpose in any of state powers, but solely a desire to contribute toward the solution of a problem of national concern which in some states has reached a stage where the possible maximum effort by the states and its citizens will only partially alleviate the situation.

The field of Federal forest ownership is found in those parts of the lost provinces which offer little or no prospect of private forest ownership, and where the state initiative or county or state initiative is able adequately to cope with the situation, there is no need for Federal intervention. If, however, neither private, county, or state agencies are prepared to carry out the necessary and desirable steps then there is room for effective participation by the Federal government.

Wisconsin has its lost provinces of forestry in abundance measure. The estimated area of depleted and unproductive land seems to be not less than 10 million acres, and it is situated in a roughly triangular area based on the north boundary of the state and within which the acreage of improved farm land is a minimum. The land when these lands supported a wealth of timber that was one of the glories of the state, but only pitiful remnants of that wealth remain today and little is being done to effectively replace it.

Nevertheless, these lands are a great potential source of wealth and social service. Their capacity to produce timber has been demonstrated and is unquestioned. They lie in relatively close proximity to what eventually will be probably the greatest timber consuming center of the developed world and as forests they will afford the means for outdoor recreation for which there will be increasing need as the population multiplies and the strains of modern existence increase. To the State of Wisconsin these lands are both a challenge and an opportunity.

Under the provisions of the Clarke-McNary Act a program of forest land purchases has been evolved which provides for the acquisition of approximately two million, five hundred thousand acres in the states of Minnesota, Wisconsin, and Michigan, as the so-called Woodruff-McNary Bill, which has passed both houses of Congress and may by this time have become a law, establishes a fiscal policy for carrying out this program.

The act of consent of the State of Wisconsin establishes a maximum area of 900,000 acres and requires in addition the consent and concurrence not only of the Governor, the Director of the Conservation Commission, and the Commissioner of Public Lands, but that of the county commissioners of the counties in which the purchase is to be made as well. The determination of the extent to which Federal ownership of forest lands would be desirable in Wisconsin rests therefore with the state and county officials.

Preliminary and rather superficial studies have shown that in Wisconsin there are at least six areas within the provisions and purpose of the Clarke-McNary law could be made fully effective. These are as follows:

1. An area of approximately 200,000 acres in Forest, Oneida, and Vilas Counties of which part is in the drainage basins of the Wisconsin River and where white pine, hemlock, and hardwoods are important types.
2. An area of approximately 150,000 acres situated in the extreme northeast corner of Price County with possible minor extensions into Iron County or Oneida County. This
area is on the drainages of the Flambeau River and was at one time characterized by excellent stands of white pine, hemlock, and hardwoods.

3. An area of approximately 150,000 acres in Peshtigo and Oconto Counties principally of sandy plains type and supporting a typical stand of hardwoods.

4. An area of variously denuded land, perhaps 100,000 acres, an extent, situated in Bayfield County between Moqua and Iron River.

5. An area of approximately 100,000 acres situated in the Woodruff and Monroe Counties. Primarily of the sandy plains type.

6. An area of approximately 150,000 acres lying diagonally across the southeastern corner of Douglas County and northwestern corner of Washburn County and the northeastern corner of Burnett County.

Only one of these areas has as yet been definitely proposed by the Federal government. That is the one in Forest, Oneida, and Vilas Counties and thus far the consent of Forest County has not been secured to the others, they are merely possibilities.

The foregoing sketches briefly the Federal forest policy as laid down in the Clarke-McNary and the McNary Bill, and the possible applications of that policy in a co-operative private, State, and Federal effort to solve Wisconsin's idle land problem.

The Lake States Forest Experiment Station is the Federal Government's effort to create a body of dependable facts about the growing and utilization of timber crops. The Forest Service has already established 11 regional forest experiment stations, including the Lake States Station at St. Paul. The activities of this unit are so vital to Michigan and Minnesota. Its task is not unlike that of agricultural experiment stations except that it deals with forest crops instead of agricultural crops. It carries on investigations into the nature of the different kinds of forests found in the region, their adaptability to certain soils, their growth and yield, and the methods of securing their reproduction to the general public.

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The Forest Products Laboratory at Madison, operated by the U.S. Forest Service in cooperation with the University of Wisconsin, is a national institution but is performing much research of direct importance to Wisconsin forestry. The laboratory's function in a broad way is to improve the processes of forest utilization that the full use-value of wood is realized. The three main phases of its research program consist in determining the physical and chemical properties of the many native species of woods, finding the requirements of various types of wood properties, and adapting the one to the other as far as possible through scientific manipulation of growth and manufacturing processes. It is conducting experiments to develop better designs of wood products, better kiln drying and air seasoning methods, better preservative treatments, and better wood glues and sizings; and it is carrying on studies to prove market paper pulp and paper from wood and methods of logging, milling and lumber grading.

This research work is carried on at two principal units. The first is the Bayfield County unit near Washburn, and the second is the Wisconsin Valley National Forest. The Bayfield County unit is near adequately, the present amount and stability of their appropriations is quite inadequate to deliver all the facts on which to build a comprehensive policy. Before the passage of the McSweeney-McNary Bill, now pending in Congress, this bill aims to do for forestry research what the Clarke-McNary Act is already doing for agricultural crops. It carries on investigations into the nature of the different kinds of forests found in the region, their adaptability to certain soils, their growth after cutting; it studies forest fires, and yield, and methods of securing their reproduction.

The Wisconsin Valley National Forest is located on the drainage of the Flambeau River and was at one time characterized by excellent stands of white pine, hemlock, and hardwoods.

The Historical Development of the Nicolet National Forest

By J. Terry Moore

National Forests exist today because the people want them. To make them accomplish the most good the people themselves must make clear how they want them. Gifford Pinchot in Use of the National Forests, May 1907.

The birth of Wisconsin's first national forest, authorized purchase unit under a suspension of the normal rules of procedure. Later in the week Tinker and Hoar addressed the Forest County Board, but they were not successful, as the Forest County Board tabled the motion for further consideration.

An editorial in the November 27, 1928, issue of The Rhinelander Daily News reported that Forest Service, the State Conservation Commission, and the Governor of Wisconsin. The editorial recognized one negative factor, that the land would not produce income while the forest was being restored but that there would be a period of loss of income during their annual meetings scheduled for the next week. The approved purchase unit under a suspension of the normal rules of procedure. Later in the week Tinker and Hoar addressed the Forest County Board, but they were not successful, as the Forest County Board tabled the motion for further consideration.

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Wisconsin who have an opportunity to get the cut-over lands back into their best use—forestry.

An editorial in the November 29, 1927 issue of The Rhinelander Daily News states that the paper had received dispatches from Madison to the effect that the State Conservation Commission was heartily in favor of the proposed federal forest reserve. The editorial said that the message from Madison could “be interpreted in no other fashion than that which indicates the commission’s displeasure with the activities of C.L. Harrington in proposing the Forest County Board.” The Daily News editorial also cited an editorial from the Antigo Journal which states:

“The Antigo Journal urges Forest county to convene in special session and cancel their former action and to act favorably on the matter. Langlade county will join in on the forest project when they are asked, but Langlade county has not been contacted by the forest service. The Journal supports the proposed forest based on future values of the land 25 to 30 years hence.”

In tabling the issue of a federal forest, the Forest County Board did not discuss the matter out of hand. In later meetings they agreed to discuss the proposition at the February 25, 1928 board meeting. That discussion resulted in two significant actions. First that the question of a federal forest would be put to a county-wide referendum at the spring elections scheduled for April 3, 1928; and second that the county board would sponsor a public information meeting on the issue prior to the election.

The March 15, 1928 edition of The Forest County Republican reported the substance of the public meeting held March 14, 1928, at the Courthouse, Wisconsin. Representing the Forest Service were L.A. Kneipp, Assistant Chief Forester from Washington, D.C., and E.W. Tinker from Denver, Colorado Region 2 office, that at that time, had responsibility for Forest Service activities in the Lakes States area. The State of Wisconsin was represented by O.C. Lemke, a member of the Wisconsin Conservation Commission; Col. L.B. Nagler, Conservation Director, Madison, Wisconsin, and C.I. Harrington, Wisconsin Chief Forester. Wisconsin National Forest counties board officials were present as well as citizens from Antigo, Rhinelander, and Park Falls, Wisconsin. The article specifically noted that the representatives from Park Falls were present as part of a move to get this proposed national forest established in Price county, in case the voters of Forest County turned down the proposition.

At the completion of the public meeting the fate of the future Nicolet National Forest rested with the voters of Forest County. This position was highlighted in an editorial appearing in The Forest Republican, March 29, 1928.

“There are several counties in the state who only wish that the voters of Forest County will turn down the proposed proposition so that they will get a chance to secure this forest reserve for their county. The Forest Reserve proposal is of the utmost importance to those of us who are the beneficiaries and those of us who might benefit if we had federal action taken to support this proposed national forest.”

On April 3, 1928, the voters of Forest County approved the establishment of a purchase unit in Forest County. The referendum passed in the county with the exception of the town of Alvin. At the May 2, 1928 county board meeting, the Forest County Board voted unanimously to approve the federal forest reserve. The board approved a purchase unit as proposed, except it did not include any of the proposed purchase area within the town of Alvin. Forest County action led to establishment of a three county purchase unit containing approximately 148,480 acres within the boundary proposed by the Forest Service.

While Forest County action appeared to be the last approval required to advance the proposal to the National Forest Reservation Commission in Washington, D.C., for final approval. Up to this time, the 70,000 acres of land were owned by the County. The last approval required to advance the proposed purchase unit from coming before the National Forest Reservation Commission’s May meeting. Since the National Forest Reservation Commission met only once every two years, the last minute objection effectively delayed the proposal.

Six days later, The Rhinelander Daily News reported that the State Land Commission had refused to approve the翳nal for national forest lands in Wisconsin. The article reported that the objection was based on a concern that some of the lands secured loans to school districts in each of the counties. While the objection of the land commission was based on a concern that some of the lands secured loans to school districts in each of the counties. While the objection of the land commission was not reported to prevent the proposed purchase unit from coming before the National Forest Reservation Commission’s May meeting. Since the National Forest Reservation Commission met only once every two years, the last minute objection effectively delayed the proposal.

On December 12, 1928, the National Forest Reservation Commission approved the establishment of the Nicolet Purchase Unit, consisting of approximately 148,480 acres (or 232 square miles) in Forest, Oneida, and Vilas counties under authority of Section 6 of the Clark-McNary Act. The reasons for acquisition were stated as: “(a) Timber production; (b) determination and demonstration of best principles of forest management in the region; (c) stabilization of waterfowl.”

My conclusions drawn from this history are that the Nicolet and Chequamegon National Forests exist in Wisconsin today because of the support of the people in the counties where the forests are located. Three factors influenced my findings: (1) The process for approval of the original purchase units followed the statutory procedures of the state. (2) While there was some opposition to the local level, the majority opinion was that the county should request the Forest Reserve. (3) Although the county board officials were motivated by the belief that the long term economic gains that would result from the federal government’s acquisition, reduced “cut-over” lands would exceed the short term losses of a reduced county tax base, or any of the alternative management strategies then proposed for the cut-over lands.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. HINOJOSA. Mr. Speaker, my participation in the June 15th White House Strategy Session on Educational Excellence for Hispanic Students caused me to miss Rollcall votes 278, 279, 280, 281, 282, 283, 284, 285, 266, 287, 288, 289, 290 and 291. Had I been present I would have voted as follows:

Rollcall #278, Providing for the consideration of H.R. 4635, Department of Veterans Affairs and Housing and Urban Development Appropriations, FY 2001—Nay

Rollcall #279, Nethercutt (WA) Amendment to the Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Nay

Rollcall #280, Hansen of Utah Amendment to Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No

Rollcall #281, Dicks of Washington Amendment that exempts activities otherwise authorized by law to the planning and management of national monuments or activities related to the Interior Columbia Basin Ecosystem Management Plan from any limitations imposed under the Act—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye

Rollcall #282, Stearns of Florida Amendment (as modified) that sought to decrease National Endowment for the Arts funding by $1.9 million or approval—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No

Rollcall #283, Slaughter of New York Amendment that defends additional $22 million of prior year clean coal technology funding—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No

Rollcall #284, Obey Motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye

Rollcall #286, Sanders of Vermont Amendment No. 29 printed in the CONGRESSIONAL RECORD that sought to make available $10 million to establish a northeast home heating oil reserve and transfer strategic petroleum reserve funding for this purpose—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye

Rollcall #287, Doggett motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye
June 19, 2000

EXTENSIONS OF REMARKS

11357

Rolecall #289, Weldon of Florida Amendment No. 48 printed in the Congressional Record that sought to prohibit any funding to be used to publish Class III gaming proceedings under part 291 of title 25, Code of Federal Regulations—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rolecall #290. Dicks motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment to increase funding for the National Endowment for the Arts by $15 million, the National Endowment for the Humanities by $5 million, and Office of Museum Services by $2 million—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Nay.

Rolecall #291. Passage—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Nay.

INAUGURAL ADDRESS OF PRESIDENT CHEN SHU-BIAN

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000
Mr. GILMAN. Mr. Speaker, I want to bring to the attention of my colleagues the May 20, 2000, Inaugural Address of President Chen Shui-Bian of Taiwan. President Chen has laid out a solid vision of Taiwan's future and his speech deserves wide dissemination.

The United States is pleased with the flourishing of Taiwan as a fully-fledged, multi-party democracy which respects human rights and which now enjoys a closer and more positive relationship with the world. Taiwan has not only set a new landmark for Chinese communities around the world. Taiwan has not only set a new landmark for Chinese communities around the world. It is hoped that Taiwan will serve not only the first of its kind in the history of Taiwan have completed a historic alteration with us.

We are here today, not just to celebrate an election, but to witness the hard-won democratic values, and to witness the beginning of a new era.

On the eve of the 21st Century, the people of Taiwan have completed a historic alteration of political parties in the world. This is not only the first of its kind in the history of the Republic of China, but also an epochal landmark that demonstrates around the world. Taiwan has not only set a new model for the Asian experience of democracy, but has also added a moving example to the third wave of democracy the world over.

The election for the 10th-term President of the Republic of China has clearly shown the world that the fruits of freedom and democracy are irresistible. Forty-two million people with an unwavering will have allied enmity with love, overcome intimidation with hope, and conquered fear with faith.

With our sacred votes, we have proven to the world that freedom and democracy are indispensable, unyielding truths, and that peace is humanity's highest goal.

The outcome of Taiwan's Year 2000 presidential election is not the victory of an individual or a political party. It is a victory of the people, a victory for democracy, because we have, while at the focus of global attention, transcended fear, threats and oppression and bravely risen to our feet together.

Taiwan stands up, demonstrating a firmness of purpose and faith in democracy. Taiwan stands up, representing the self-confidence of the people of the whole country. Taiwan stands up, symbolizing the quest for hope and the realization of dreams.

Dear compatriots, let's always remember this moment. Let us recite with honor and feel gratitude for it, because the fruits of democracy did not come out of the blue. It was realized by going through many perils and dangers that endured countless hardships. If not for the fearless sacrifice of our democratic forebears, if not for the unswerving faith of the tens of millions of Taiwanese people in freedom and democracy, we could not possibly be standing on our beloved land today and celebrate a glorious occasion that belongs to all the people.

Today, it's a new dawn, as we break through a fresh new gate in history. In the process of democratization, the Taiwanese people have created a brand-new key to our shared destiny. The new century's gates of hope are soon to open. We are humble but not submissive. We are full of self-confidence but not the slightest bit of self-satisfaction. Since the day of the election results came to light, I have accepted the mandate of all Taiwanese people in a most earnest and humble frame of mind, and have vowed to preserve and improve this hard-won freedom and democracy. As the government leader, I will do my utmost to work at the service of the people with all my energy and with all my heart.

In the area of government reforms, we need to establish a government that is clean, efficient, focused, dynamic, and highly flexible and responsive, in order to ensure Taiwan's competitiveness in the face of increasingly fierce global competition. The age of "large and powerful" governments has now passed, replace by "small and effective" governments, which have established partnership relations with the people. We should accelerate the streamlining of government functions and organization and actively expand the role of public participation.

This will not only allow the public to fully utilize its energy until we significantly reduce the government's burden. Similar partnership relations should also be set up between the central and local governments. We want to break the autocratic boxes from the days of centralized, money-controlled power. We want to realize the spirit of local autonomy, where the local and central governments share the same responsibilities, where "the central government will not do what the local governments
can do." Whether in the east, west, north or south of Taiwan's oceanic islands, all will get balanced, pluralistic development, and the gap between urban and rural areas will decrease.

Of course, we should understand that the government is a leader and a facilitator, not a provider of every single service. The driving force for economic development and societal progress comes from the people. Over the past half-century, the Taiwanese people have toiled hard to create an economic miracle that has won global applause, and to lay the foundation for the survival and development of the Republic of China. Today, facing the impact of the fast-changing information technologies and trade liberalization, Taiwan's industrial development must move toward a knowledge-based economy. High-tech industries need to be constantly innovative, while traditional industries need to undergo transformation and upgrading.

The future government should not necessarily play the role of a "leader" or "manager." On the contrary, it should be the "supporter" and "provider" expected by private enterprises. The responsibility of a modern government is to raise administrative efficiency, improve the domestic investment environment, and maintain financial order and stock market stability, so as to allow economic development to move toward full liberalization and international competition. For observing these principles, the vitality of the public will naturally bloom and create a new phase in Taiwan's economic miracle.

Apart from consolidating our democratic achievements, promoting government reforms, and raising economic competitiveness, the new government's foremost objective must be to provide a safe and stable environment filled with happiness and hope.

The 21st Century will be a time when "the right to a quality life" and "refined lifestyles" are increasingly in demand. The government will have to bring up solutions for all issues relating to the people's lives, such as social order, social welfare, environmental protection, land planning, waste treatment, cleaning up rivers and community-building. It will also have to implement these solutions thoroughly.

At present, we need to immediately improve social order and environmental protection, which are important indicators of the quality of life. Building a new social order, we will let the people live and work in peace and without fear. Finding a balance ecologically and economically, we will develop Taiwan into a sustainable developmental society, where the environment and the economy work hand in hand. The new government will request the Legislative Yuan to pass and ratify the International Convention for Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, and the International Bill of Rights. We will bring the Republic of China back into the international human rights system.

The new government will request the Legislative Yuan to pass and ratify the International Bill of Rights as a domestic law of Taiwan Bill of Rights. We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two international governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century.

The September 21 earthquake that occurred last year brought to our land and our compatriots an unprecedented catastrophe, the pain of which is yet to heal. The new government will brook no delay in the reconstruction of disaster areas, including industries, work to ensure that care is extended to every victim and rebuild every destroyed place. Here, we would like to express our highest respect, sympathy, and support to all our compatriots.

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please those near and appeal to those from afar,” and those afar will not submit, then one must practice kindness and virtue to attract them.” Such Chinese wisdom will remain universal words of value.

Under the leadership of Mr. Deng Xiaoping and Mr. Jiang Zemin, the mainland has created a miracle of economic openness. In Taiwan, over a half century, not only have we created a miracle economy, we have also created the political marvel of democracy. On such a basis, as long as the governments and people on both sides of the Taiwan Strait can interact in a way abiding the principles of “goodwill reconciliation, active cooperation, and permanent peace,” while at the same time respecting the free choice of the people and excludingoutside interference, both sides of the Strait can make great contributions to the prosperity and stability of the Asia Pacific Region. Both sides will also create a glorious civilization for the world’s humanity.

Dear compatriots, we hope so much to share this moving scene of this moment with all Chinese-speaking people around the world. The wide Ketagelan Boulevard before us was bristling with security guards only a few years ago. The building behind me used to be the Governor General’s Mansion during the colonial era. Today, we gather here to extol the glory and joy of democracy with songs of the earth and the voice of the people. With a little reflection, our compatriots should be able to appreciate the deep and far-reaching meaning of this moment:

Authoritarianism and force can only bring surrender for one time, while democracy and freedom are values that will endure forever. Only by adhering to the will of the people can we plan the history of our country and build enduring architecture.

Today, as a son of a tenant farmer and with a poor family background, I have struggled and grown on this land and, after experiencing defeat and tribulation, I have finally won the trust of the people to take up the great responsibility leading the country. My individual achievements are minor, but the message is valuable because each citizen of Formosa is a “child of Taiwan” just like me. In whatever difficult environments Taiwan will be like a selfless, loving mother, who never stops giving us opportunities and who helps us achieve our beautiful dreams.

The split of Taiwan’s history teaches us that even though Taiwan, Penghu, Kinmen and Matsu are tiny islands on the rim of the Pacific, the map of our dreams knows no limits. It extends all the way to the end of the horizon, as long as our 23 million compatriots fear no hardship and move forward hand in hand.

Dear compatriots, this magnificent moment belongs to all the people. All grace and glory belongs to Taiwan—our eternal Mother. Together, let’s extend our gratitude to the earth, the people, this country, this live freedom and democracy! Long live the people of Taiwan! We pray for the prosperity of the Republic of China, and for the health and happiness of all compatriots and all honored guests!

PERSONAL EXPLANATION

HON. TIM ROEMER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. ROEMER. Mr. Speaker, due to a family commitment I was unable to cast the following House Rollcall votes on June 15, 2000: No. 285, a quorum call; No. 286, on the amendment offered by Representative SANDERS; and No. 287, a motion that the committee rise.

Had I been present, I would have voted “present” on rollcall No. 285, “aye” on rollcall No. 286, and “aye” on rollcall No. 287.

NEW JERSEY SENATE OBJECTS TO SCHOOL-TO-WORK

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to call attention to a resolution recently approved by the New Jersey Senate. Approved on May 10, 1999, Senate Resolution #73 expresses the objection to the State Senate to the School-to-Work provisions being developed by the New Jersey Department of Education.

State Senators Joseph Kyrlilos, William Gormley, Scott Garrett, and Guy Talarico achieved a significant victory for quality local education by putting the New Jersey Senate on record opposing the federal School-to-Work curriculum and its goals.

The concerns expressed in this resolution cut to the heart of education reform today: Basic academics, local control, unlimited student opportunity and sufficient, quality instructional time are at the forefront of local education efforts and threatened by School-to-Work. New Jersey is clearly concerned about a radical restructuring of its education system around federal workforce development, “applied learning” and limited student choice. Other states and the Congress should take note of New Jersey’s courageous stand.

Mr. Speaker, I hereby submit for the RECORD New Jersey Senate Resolution #73 and commend it to our colleagues.

Thank you, Mr. Speaker.

SENATE RESOLUTION No. 73
STATE OF NEW JERSEY—208TH LEGISLATURE, INTRODUCED FEBRUARY 25, 1999
(Sponsored by: Senator Joseph M. Kyrlilos, Jr., District 13 (Middlesex and Monmouth); Senator William L. Gormley, District 2 (Atlantic); Co-Sponsored by: Senators Cardinale and Inverso)

(Synopsis: Expresses the objection of the Senate to the school-to-work provisions being developed by the DOE)

A Senate Resolution expressing this House’s objections to the school-to-work program being developed by the Department of Education.

Whereas, The Department of Education is developing a new chapter of administrative code to implement the core curriculum content standards and the statewide assessment system which will fundamentally reform public education in New Jersey and

Whereas, A number of the proposals incorporated in the code represent new graduation requirements for public schools students and since the current requirements for graduation were initially established by the Legislature under chapter 7C of Title 18A of the New Jersey Statutes, a revision of those standards of the magnitude incorporated within the proposed code and which represent a fundamental change in the educational requirements for secondary school students should undergo legislative review; and

Whereas, The new code provisions will not be formally proposed, according to the timetable set forth by the Department of Education, until August 1999; and

Whereas, The new code provisions emphasize career education and include three phases in this area: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major from a list of fourteen majors, prior to the start of the eleventh grade; and

Whereas, The new code provisions require that tenth and twelfth grade students, for a minimum of one day per week or the equivalent thereof, participate in a structured learning experience which is linked to the student’s career plan and which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program; and

Whereas, The new code provisions will make school-to-work a requirement for all students in the State, and will result in the loss of 20% of academic instructional time, putting students at a competitive disadvantage in collegiate academic programs; and

Whereas, The school-to-work provisions of the new code provisions will result in limiting students’ choices far too early in their lives and imposing job specific skills training on educational system at the expense of instructional time in academic subjects; now, therefore,

Be It Resolved by the Senate of the State of New Jersey:
1. This House objects to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. This House urges that school-to-work provisions be eliminated and that education be allowed to determine the necessity and nature of any career program for their own school district.
2. The Secretary of the Senate shall transmit a duly authenticated copy of this resolution to the State Board of Education and the Commissioner of Education.

STATEMENT

This resolution expresses the objection of the Senate to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. The resolution also
I had been present during Roll Call #291, I would have voted "YES". If I had been present during Roll Call #285, I would have voted "PRESENT". If I had been present during Roll Call #266, I would have voted "YES". If I had been present during Roll Call #288, I would have voted "YES". If I had been present during Roll Call #290, I would have voted "YES". If I had been present during Roll Call #291, I would have voted "NO".

The school-to-work provisions being developed by the department represent a fundamental shift in the way the children of New Jersey will be educated. The school-to-work provisions emphasize career education and include three phases: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade. Eleventh and twelfth grade students would be required to participate in a structured learning experience which could include volunteer activities, community service, employment opportunities, school-based enterprises, or participation in an apprenticeship program. The structured learning experience would be linked to the student's career plan and would be required of every student for a minimum of one day per week or the equivalent thereof, resulting in a 20% loss of academic instructional time. The school-to-work proposal would limit students' choices too early in their lives and impose job specific skills training on the educational system at the expense of instructional time in academic subjects.

PERSONAL EXPLANATION
HON. NYDIA M. VELÁZQUEZ
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Ms. VELÁZQUEZ. Mr. Speaker, during Roll Call #283, I would have voted "PRESENT". If I had been present during Roll Call #286, I would have voted "YES". If I had been present during Roll Call #288, I would have voted "YES". If I had been present during Roll Call #290, I would have voted "YES". If I had been present during Roll Call #291, I would have voted "NO".

CELEBRATION OF JUNETEENTH
HON. CARRIE P. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mrs. MEEK of Florida. Mr. Speaker, Father, I stretch my hand to thee—no other help I know. Oh my rose of Sharon, my shelter in the time of storm. My prince of peace, my hope in this harsh land. We bow before you this morning to thank you for watching over us and taking care of us. When you touched us and brought us out of the land of slumber, gave us another day—thank you Jesus. We realize that many that talked as we now talk—this morning when their names were called—failed to answer. Their voices were hushed up in death. Their souls had taken flight and gone back to the God that gave it, but not so with us.

Now Lord, when I come to the end of my journey; when my prayers are done and time for me shall be no more; when these knees have bowed for the last time; when I too, like all others must come in off the battlefield of life; when I'm through being bucked and scorned, I pray for a home in glory.

When I come down the river to the river of Jordan, hold the river still and let your servant cross over. I'll be looser during my days in the Union looking for that land where Job said the wicked would cease from troubling us and our weary souls would be at rest; over there where a thousand years is but a day in eternity, where I'll meet with loved ones and where I can sing praises to the God of my fathers.

Mr. Speaker, this traditional prayer is similar to prayers recited across the south as many African Americans and others celebrate the 19th of June. The deep south spiritual faith of the enslaved is reflected in this traditional prayer and continues to speak for us of the unquenchable hope that American slaves possessed for freedom.

Juneteenth, or June 19th, 1865, is considered the date when the last slaves in America were freed. Although the rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode in Galveston, Texas and issued General Order No. 3, on June 19th, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation. Unfortunately, news of the emancipation was brutally suppressed due to the overwhelming influence of powerful slave owners. President Lincoln issued the Emancipation Proclamation on September 22, 1862, notifying the states in rebellion against the Union that if they did not cease their rebellion and return to the Union by January 1, 1863, he would declare their slaves forever free. Needless to say, the proclamation was ignored by those states that seceded from the Union, and many freedmen gave themselves new names, changed addresses, assumed new lives and new names, and became as if they were hushed up in death. Their souls had now talked—this morning when their names were spoken by the saints of old, Free at Last, Free at Last, thank God almighty, I am free at last. Your servants prayer for Christ sake. Amen!

When the blacks in the south heard the news that they were set free, they sang, danced and prayed. There was much rejoicing and jubilation that their long-lonely years had finally been answered. Many of the slaves left their masters upon being freed, in search of family members, economic opportunities or simply because they could. They left with nothing but the clothes on their backs and hope in their hearts.

Listen to this account of a former slave—Susan Ross. "When my oldest brother heard we were free, he gave a whoop, ran, jumped a high fence, and told mommy good-bye. Then he grabbed me up and hugged me and said, 'Brother is gone, don't expect you'll ever see me any more,' I don't know where he went, but I never did see him again."

Freedom meant more than the right to travel freely. It meant the right to name one's self and many freedmen gave themselves new names. Courthouse Land was renamed. Many now crowded as blacks applied for licenses to legalize their marriages. Emancipation allowed ex-slaves the right to assemble and openly worship as they saw fit. As a result, a number of social and community organizations were formed, many originating from the church.

June 19, 2000

EXTRACTIONS OF REMARKS
June 19, 2000

The anniversary of freedom was not to be forgotten by people who had spent their entire lives in bondage—people for whom the lash had been a common punishment, but whose sting had been compared with the pain of family separations, the indignity of compelled deference, the thought that only the grave would bring emancipation. So in the ensuing years, the joyous events of June 19, 1865, were re-enacted, becoming as Juneteenth celebrations. Best Sunday dress, American flags, thankfull prayer, music, baseball games and massive quantities of food characterized these African-American gatherings.

Juneteenth not only symbolizes the end of slavery, it also serves as a historical milestone reminding Americans of the triumph of the human spirit over the cruelty of slavery. It honors those African-American ancestors who surrendered the land and the institutions of bondage, as well as demonstrating pride in the marvelous legacy of resistance and perseverance.

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The Bureau of Refugees, Freedmen and Abandoned Lands, commonly known as the Freedmen's Bureau, was founded by Congress in March 1865, to provide relief services for former slaves. Schools and churches were established and became centers of the newly-freed communities. The promise of emancipation gave freedmen optimism for the future; few realized slavery's bitter legacy was just beginning to unfold and that equality was to remain an elusive dream.

Ex-slaves entered freedom under the worst possible conditions. Most were turned loose penniless and homeless, with nothing but the clothes on their back. Ed-slaves were, as Frederick Douglas said "free, without roofs, to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to
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awaken the hope of their enemies that they would soon disappear.” But we did not disappear. We celebrate today not only freedom, but the triumph of the human spirit and the legacy of a people whose struggle for equality continues even today.

Mr. Speaker, I urge my colleagues to join me in recognizing this great celebration.

PERSONAL EXPLANATION

HON. MIKE McINTYRE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. McINTYRE. Mr. Speaker, on Thursday, June 16, 2000, I was unavoidably absent for rollcall votes 285 through 291. Had I been present I would have voted “present” on rollcall vote 285, “yes” on rollcall vote 286, “yes” on rollcall vote 287, “no” on rollcall 288, “yes” on rollcall 289, “yes” on rollcall 290, and “no” on rollcall 291.

COMMENDING PRESIDENT KIM DAE-JUNG ON HIS HISTORIC QUEST FOR PEACE AND RECONCILIATION

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Mr. RANGEL. Mr. Speaker, I rise to commend President Kim Dae-Jung of the Republic of Korea for his historic efforts toward peace and reconciliation on the Korean peninsula.

By extending the hand of friendship in summits meetings with Chairman Kim Jong II the Democratic Peoples’ Republic of Korea, President Kim Dae-Jung has shown himself as a courageous visionary committed to the improvement of relations with the North. The agreement reached by the two leaders on humanitarian and economic cooperation represent a bold step toward resolving a half-century of conflict.

As we prepare to depart on a Presidential Mission to Korea to commemorate the 50th anniversary of the Korean War, I am filled with hope for the future of all the peoples of that great land.

On behalf of president Clinton and the people of the United States, I join with my former comrades-in-arms, the men of the 503d Field Artillery Battalion who fought in defense of freedom and democracy in Korea in extending our congratulations to President Kim Dae-Jung and our best wishes for success in his great mission of peace.

A TRIBUTE TO JUNETEENTH INDEPENDENCE DAY

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 2000

Ms. BALDWIN. Mr. Speaker, I rise today in order to pay tribute to Juneteenth Independ-
### EXTENSIONS OF REMARKS

**June 19, 2000**

**Appropriations**
- Business meeting to markup proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001.  
  - SD-216

**3 p.m.**
- Foreign Relations
  - International Operations Subcommittee
  - To hold hearings to examine the role of security in the Department of State foreign service promotion process.  
  - SD-419

**JUNE 27**
- Energy and Natural Resources
  - Business meeting to consider pending calendar business.  
  - SD-366

**Rules and Administration**
- To hold hearings on the operations of the Library of Congress and the Smithsonian Institution.  
  - SR-301

**10 a.m.**
- Health, Education, Labor, and Pensions
  - To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.  
  - SD-430

**2:30 p.m.**
- Energy and Natural Resources
  - Energy Research, Development, Production and Regulation Subcommittee
  - To hold hearings on the April 2000 GAO report entitled “Nuclear Waste Cleanup—DOE’s Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities”.  
  - SD-366

**JUNE 28**
- Energy and Natural Resources
  - Business meeting to consider pending calendar business.  
  - SD-366

**10 a.m.**
- Finance
  - Business meeting to markup proposed legislation relating to the marriage tax penalty.  
  - SD-215

**Judiciary**
- To hold hearings on the struggle for justice for former U.S. World War II POW’s.  
  - SD-226

**2 p.m.**
- Judicial Technology, Terrorism, and Government Information Subcommittee
  - To hold hearings on countering the changing threat of international terrorism.  
  - SD-226

**2:30 p.m.**
- Indian Affairs
  - To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.  
  - SR-485

### MEETINGS SCHEDULE

**JUNE 21**
- **9:30 a.m.**  
  - Energy and Natural Resources
    - Business meeting to consider pending calendar business.
    - SD-366

- **2 p.m.**  
  - Commerce, Science, and Transportation
    - To hold hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation.
    - SR-233

- **2:30 p.m.**  
  - Armed Services
    - To hold hearings to examine security failures at Los Alamos National Laboratory; to be followed by a closed hearing (SH-219).
    - SH-216

**10 a.m.**
- **Judiciary**
  - To hold hearings on improving the National Instant Criminal Background Check System.  
  - SD-226

- **Agriculture, Nutrition, and Forestry**  
  - Banking, Housing, and Urban Affairs
    - To hold joint hearings on S. 2997, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives.  
    - SD-406

**11 a.m.**
- **Indian Affairs**
  - Business meeting to consider S. 1658, to authorize the construction of a Reclamation Wastewater and Groundwater Study and Facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.  
  - SD-366

**2:30 p.m.**
- **Energy and Natural Resources**
  - Fisheries, Wildlife, and Drinking Water Subcommittee
    - To hold hearings on S. 1787, to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.  
    - SD-406

**3 p.m.**
- **Foreign Relations**
  - To hold hearings on the nominations of John Edward Herbst, of Virginia, Ambassador to the Republic of Uzbekistan; Carlos Pascual, of the District of Columbia, to be Ambassador to Ukraine; Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia; and Ross L. Wilson, of Maryland, to be Ambassador to the Republic of Azerbaijan.  
  - SD-419

**JUNE 22**
- **10 a.m.**  
  - **Judiciary**
    - Business meeting to markup S. 2498, to enhance the protections of the Internet and the critical infrastructure of the United States; S. 333, to provide for class action reform, and the proposed Violence Against Women Act.  
    - SD-226

**11 a.m.**
- **Indian Affairs**
  - Business meeting to consider S. 1658, to authorize the construction of a Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2489, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, 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 nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.  
  - SD-366

**10 a.m.**
- **Judiciary**
  - Business meeting to markup proposed legislation relating to the marriage tax penalty.  
  - SD-226

**11 a.m.**
- **Foreign Relations**
  - To hold hearings on the nominations of Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia; Mary Ann Peters, of California, to be Ambassador to the People’s Republic of Bangladesh; Janet A. Sanderson, of Arizona, to be Ambassador to the Democratic and Popular Republic of Algeria; and E. Ashley Wills, of Georgia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.  
  - SD-419

**2 p.m.**
- **Judiciary**
  - Criminal Justice Oversight Subcommittee
    - To hold hearings on the threat of fugitives to safety, law, and order.  
    - SD-226

**2:30 p.m.**
- **Energy and Natural Resources**
  - Water and Power Subcommittee
    - To hold hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project. S. 591, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; S. 2391, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2489, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, 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 nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.  
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  - SD-419
EXTENSIONS OF REMARKS

June 19, 2000

JUNE 29

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee

SD–366

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to authorize the addition of land to Sequoia National Park; and S. 2312, to convey certain Federal properties on Governors Island, New York.

SD–366

JULY 12

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implement the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection.

SD–366

Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

JULY 19

2:30 p.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

JULY 26

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD–366

Indian Affairs
To hold hearings on S. 2326, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

SEPTEMBER 26

9:30 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

June 21

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.

SD–419

June 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR–253

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine medical device reuse.

SD–430