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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

SENATE—*Thursday, June 22, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Gus Roman, Canaan Baptist Church, Philadelphia, PA.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. Gus Roman, offered the following prayer:

Let us bow our heads, please. Ask and you will receive; seek and you will find; knock and the door will be opened unto you. Let us pray:

In reverence we beseech You for Your presence, eternal God of love, justice, and power, whose providence and purpose have resulted in the emergence of the nations and governments. We thank You for this our country and for the inspired leaders of the past and present who have dedicated themselves and developed and shaped our Nation which has become a beacon for freedom, human rights, and justice. We thankfully present to You these men and women who continue the evolving legislative legacy of our Government to fulfill our national and global destiny to address the issues and challenges we face today.

O God, as they deliberate and make decisions, give them the awareness of Your presence, Your wisdom, understanding, and courage that with their determination, Your purpose will be accomplished. Keep before them Your mandate that justice must run down like water and righteousness like a mighty stream. Give them the assurance and confidence that truth and human rights will prevail in spite of the forces of injustice and evil. We offer our prayers in the spirit of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before making opening announcements on behalf of the leader, I yield to my distinguished colleague from Pennsylvania, Senator SANTORUM. Then I will have a few comments about the Reverend after Senator SANTORUM concludes.

Mr. SANTORUM. I thank my colleague from Pennsylvania, Senator SPECTER.

REVEREND DR. GUS ROMAN

Mr. SANTORUM. Mr. President, I welcome Rev. Gus Roman from Canaan Baptist Church in Philadelphia. Reverend Roman is a giant among pastors in Philadelphia. He has held many leadership positions within the clergy, within the city of Philadelphia, and has been the right arm of Rev. Leon Sullivan, who may be a giant among giants within Philadelphia and around the world.

In particular, I refer to his work reaching into Africa, working on AIDS projects with the terrible scourge that is crossing Africa today. Reverend Roman is on the front line urging not only his church but other churches to respond to the need in America, as well as the wonderful things we have been able to accomplish—Reverend Roman and myself and others—in the community in Philadelphia. He has been a great leader, someone who has been a real tour de force not only in evangelizing the word of God but in putting God's will into action in the community.

It is an honor to have him here today. We certainly welcome him wholeheartedly to the Senate.

Mr. SPECTER. Mr. President, I join my distinguished colleague, Senator SANTORUM, in words of praise for Rev. Gus Roman. As a fellow Philadelphian, I have had an opportunity to watch his work. He has an outstanding record and an outstanding reputation.

It was very nice of him to come to Washington and lead the Senate in the opening prayer. When Senator SANTORUM makes comments about the work of Reverend Sullivan, that has been acclaimed nationally and internationally. I had my first opportunity to work with Reverend Sullivan many years ago when he took a deserted police station in north Philadelphia and turned it into the Opportunities Industrialization Corps, providing job training. It is worthy to note that Reverend Sullivan is in town today. There is an African American summit dinner tonight at the ballroom of the Washington Hilton—not to give too many advertisements in conjunction with the prayer.

Reverend Sullivan's work, as Reverend Roman's work, is very distinguished and a great contribution to America.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will be in a period of morning business until approximately 10 a.m., with Senators AKAKA and LOTT in control of the time. Following morning business, the Senate will begin consideration of H.R. 4577, the Labor-Health Human Services appropriations bill. Amendments are expected to be offered and debated during this morning's session. At 1:20 p.m. today, the Senate will resume consideration of the foreign operations appropriations bill to debate final amendments. Votes will begin at 2 p.m. on the remaining amendments and on final passage of foreign operations and on any votes ordered in relation to the Labor appropriations bill. Further votes are expected throughout this evening's session. I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with the time to be equally divided between the Senator from Hawaii, Mr. AKAKA, and the majority leader, or his designee.

The Senator from Hawaii.

TRIBUTE TO ASIAN PACIFIC AMERICAN MEDAL OF HONOR WINNERS

Mr. AKAKA. Mr. President, I stand here today to pay tribute to the 22 men who received the Medal of Honor yesterday. As has been indicated by a number of my colleagues, one of those recipients is my dear friend and colleague from Hawaii, Senator DANIEL K. INOUYE. I extend my heartfelt congratulations to:

Senator DANIEL K. INOUYE, Second Lieutenant, 442nd Regimental Combat Team;

Rudolph Davila, Staff Sergeant, 3rd Army;

Barney Hajiro, Private First Class, 442nd RCT;

Mikio Hasemoto, Private, 100th Battalion;

Joe Hayashi, Private First Class, 442nd RCT;

Shizuya Hayashi, Private, 100th Battalion;

Yeiki Kobashigawa, Technical Sergeant, 100th Battalion;

Robert Kuroda, Staff Sergeant, 442nd RCT;

Kaoru Moto, Private First Class, 100th Battalion;

Kiyoshi Muranaga, Private First Class, 442nd RCT;

Masato Nakae, Private First Class, 100th Battalion;

Sinyei Nakamine, Private, 100th Battalion;

William Nakamura, Private First Class, 442nd RCT;

Joe Nishimoto, Private, 442nd RCT;

Allan Ohata, Staff Sergeant, 100th Battalion;

James Okubo, Technical Sergeant, 442nd RCT;

Yukio Okutsu, Technical Sergeant, 442nd RCT;

Frank Ono, Private First Class, 442nd RCT;

Kazuo Otani, Staff Sergeant, 442nd RCT;

George Sakato, Private, 442nd RCT;

Ted Tanouye, Technical Sergeant, 442nd RCT;

Francis Wai, Captain, 34th Division.

Mr. President, these 22 Medal of Honor recipients have joined an elite group of soldiers honored for exceptional valor in service to our country. It may have taken half a century, but the passage of time has not diminished the magnificence of their courage. These 22 men truly represent the best that America has to offer. They answered the call to duty and proved that patriotism is solely a circumstance of the heart. These men answered the call of duty with conviction and courage, at a time when these virtues were most in demand by a needy Nation. In the face of discrimination and injustice at home, these men set aside personal consideration to defend our great Nation on foreign battlefields. By their actions, these 22 men proved that patriotism is not based on the color of one's skin, but on the courage and strength of one's convictions.

I am pleased to have contributed to the process that finally led to the appropriate recognition of these soldiers. Legislation initiated by the Senate required the military to review the records of all Asian Pacific American recipients of the Navy Cross or Distinguished Service Cross during World War II to determine if any merit upgrade to the Medal of Honor.

Many times I have been asked why I thought review was necessary. The review provision was offered and adopted out of concern that Asian Pacific American veterans have never been fully recognized for their military contributions during the Second World War.

Many in Hawaii know of the exploits of the 100th Infantry Battalion, 442nd Regimental Combat Team. It came as a surprise that few on the mainland were familiar with the service of this famous all-Nisei, second generation Japanese unit, or of the secret Military Intelligence Service whose members served in the Pacific.

Twenty of the twenty two Medal of Honor recipients honored yesterday and today are from the 100th Infantry Battalion, 442nd Regimental Combat Team. Of the remaining two recipients, Sergeant Rudolph Davila served with the 7th Infantry and Captain Francis Wai served with the 34th Division.

Few people realize the history of the 442nd Regimental Combat Team. On December 7, 1941, during the attack on Pearl Harbor, a call went out for all University of Hawaii ROTC members to report for duty. These students, most of whom were Americans of Japanese ancestry, responded to the call and were fully prepared to defend the United States. 370 of the Japanese American ROTC cadets were sworn into the Hawaii Territorial Guard and guarded the most sensitive and important installations in Hawaii.

Due to the shock at the attack on Pearl Harbor and an unfortunate ignorance by some of the culture and racial makeup of the citizens of Hawaii, there were individuals who opposed Japanese Americans serving in the Territorial Guard. The 370 Japanese Americans who had served faithfully, willingly, and patriotically during the weeks following Pearl Harbor, were dismissed from the Territorial Guard because of their ancestry. Instead of rebelling, resigning, or protesting, these men wrote to the Commanding General of the Hawaiian Department and stated their ''willingness to do their part as loyal Americans in every way'' and offered themselves for ''whatever you may see fit to use us.''

These men formed the Varsity Victory Volunteers and worked at the quarries, constructed roads, helped construct warehouses, renovated quarters, strung barbed wire, and built chairs, tables, and lamps. They even donated blood and bought bonds. We cannot forget that these men were students and could have been making money in white collar jobs.

Instead, they devoted their time to doing what they could to help the military. It was this group of Japanese American volunteers, the Varsity Victory Volunteers, who were eventually given the authorization by the War Department to form the 442nd Regimental Combat Team, which would earn the distinction as the ''most decorated unit for its size and length of service in the history of the United States.''

Their motto, ''Go for Broke,'' is a perfect description of their spirit and character as men and as a fighting unit. The 442nd and 100th Battalion captured enemy positions and rescued comrades. They completed missions that seemed impossible. Ignoring danger, they repeatedly placed themselves in harm's way, gaining a reputation for fearless and fierce fighting. Throughout the Army their bravery earned them the nickname the ''Purple Heart Battalion.''

In 1943, when the War Department decided to accept Nisei volunteers, over 1,000 Hawaii Nisei volunteered on the first day. The spirit and attitude of these volunteers is captured in the senior Senator from Hawaii's memoir, ''Journey to Washington.''

I want to read an excerpt from the book describing an exchange between young DAN INOUYE and his father as he left to report for induction.

> After a long period of silence between us, he said unexpectedly, ''You know what 'on' means?''
>
> ''Yes,'' I replied. On is at the very heart of Japanese culture. On requires that when one man is aided by another, he incurs a debt that is never canceled, one that must be repaid at every opportunity.
>
> ''The Inouyes have great on for America,'' my father said. ''It has been good to us. And now it is you who must try to return the goodness. You are my first son, and you are very precious to your mother and me, but you must do what must be done.''

Mr. President, for over 60 years, my friend and colleague, the senior Senator from Hawaii, has returned to America the goodness and service to honor his father's admonition. On the field of battle in Italy, in the territorial legislature, and for over 40 years in Congress, DAN INOUYE has served his country with distinction and courage. His leadership on national defense,

civil rights, and a host of other issues have made America a stronger and better country. I am proud to serve with him in the United States Senate.

Mr. President, the people of Hawaii are also very proud that 12 of the 22 men awarded the Medal of Honor are from Hawaii.

My Honolulu office received a call the other day from a constituent in Waianae, a small community on the leeward coast of Oahu, who wanted to make sure that people knew that three Medal of Honor recipients were from Waianae.

Indeed, the people of Hawaii are proud and grateful for all the local boys who have served in defense of our nation. They are well aware of the sacrifice and hardship endured by our men in uniform during World War II and subsequent conflicts.

Out of the 22 men honored, 10 were killed in battle. Five of the recipients survived World War II, but have passed on prior to knowing that their medals were upgraded. That leaves us with seven living recipients, five of whom, I am proud to say, are from the State of Hawaii.

I see this as an opportunity to inform the American public about the degree and level of participation of Asian Pacific Americans in the war effort. I thank President Clinton, Secretary of Defense William Cohen, and Secretary of the Army Louis Caldera for the painstaking and thorough manner in which the review and nomination process was conducted. I commend Secretary Caldera and all the Army personnel who conducted this review in a thorough and professional manner. They carried out the difficult task of identifying the records of more than one hundred veterans.

I would also like to acknowledge the 442nd Veterans Club, and Club 100 for their unwavering support and assistance in the review process. I want to thank Ed Ichiyama, Sakae Takahashi, and Iwao Yokooji for their tremendous work in recognizing the contributions of Asian Pacific Americans in military intelligence and the frontlines of battle. The accounts documented for each of the 104 Distinguished Service Cross recipients underscore our faith in a Nation that produces such heroes and are a wonderful legacy for our children and grandchildren.

I would also like to pay tribute to the Military Intelligence Service, whose unit citation was signed by Secretary Caldera last night, because in a profound way, my interest in this area began with the MIS.

About 10 years ago, I heard of the late Colonel Richard Sakakida's remarkable experiences as an Army undercover agent in the Philippines during World War II. His MIS colleagues worked to have his extraordinary service honored by our Government and the Government of the Philippines.

While working to have Colonel Sakakida's service acknowledged with appropriate decoration, I realized that there were many war heroes whose valiant service had been overlooked. I recalled that only two Asian Pacific Americans received the Medal of Honor for service during World War II. The number seemed too low when you consider the high-intensity combat experienced by the 100th and 442nd, the service of 12,000 Filipino Americans in the U.S. Army, and the dangerous assignments taken by the 6,000 members of the MIS.

President Truman recognized it for what it was on a rain-drenched day in 1945, when during a White House ceremony honoring the 100th and 442nd, he observed, ''you fought not only the enemy, you fought prejudice, and you have won.''

Mr. President, these men are not being awarded the Medal of Honor because of their race. They are being given their due recognition for their exceptional acts of valor. Fifty-five years ago, our country refused to appropriately recognize that these men distinguished themselves by gallantry and audacious courage, risking their lives in service above and beyond the call of duty.

This is a great day to be an American, and I am honored to stand before the Senate to pay tribute to these 22 men who fought to defend our great Nation. In their memory and in celebration of our Nation's everlasting commitment to justice and liberty, I honor these 22 men and their achievements and offer them the highest praise for all they have done to keep us free.

Mr. STEVENS. Mr. President, some people have inquired about why I have been so interested in the award of a Congressional Medal of Honor to our distinguished friend from Hawaii, Senator DANIEL INOUYE. I come to the floor to explain that.

As a young boy, I attended school in Redondo Beach, CA. That high school was also attended by a substantial number of Japanese students. On December 7 of 1941, we had the terrible attack on the United States. Following that attack, almost half of the young boys, young men of our high school class, did not return to school. They were Japanese young men.

Within a few weeks, they and their families were interned and taken to local racetracks and other places and put into internment camps. I never saw those young men again. They were young men with whom I played football and knew very well. Many of them joined the same unit Senator INOUYE was in, the 442nd.

It was not until 1996, when Senator AKAKA, Senator INOUYE's colleague, introduced an amendment, that I realized there had been probably one of the greatest mistakes made by the American military in its history. On February 10, 1996, Senator AKAKA offered an amendment that became section 524 of Public Law 104–106. It was for this purpose:

> Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.

It required the Secretary of the Army to review the records relating to the awards of the Distinguished-Service Cross and the Secretary of the Navy to review the records relating to the Navy Cross awarded to these people to determine whether or not the people who had received those awards should be upgraded to the Medal of Honor.

As a result of that review, as we all know, yesterday we attended, at the White House, the Medal of Honor ceremony that did result in the upgrading of these awards that had been previously made to 21 different individuals. One of them was to my great friend, the Senator from Hawaii.

The Senate will have a reception, sponsored by Senator BYRD and myself, for Senator INOUYE this afternoon. At this time, at noon, he is becoming a member of the Medal of Honor Society at the Offices of the Secretary of the Army. We have invited every Member of the Senate, and I do hope they will come by.

The ceremony will start at 4:30. The room will be opened at 4 o'clock. It is the Caucus Room in the Russell Building. At my request, Stephen Ambrose, who wrote the D-Day book and other books very well known to our people, will be there to make some remarks concerning Senator INOUYE.

I have decided this citation should appear in the RECORD. I ask unanimous consent that it be printed in the RECORD as it appears in the document presented by the President of the United States to those of us who attended the ceremony yesterday.

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

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to:

SECOND LIEUTENANT DANIEL K. INOUYE

UNITED STATES ARMY

for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on 21 April 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the

enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Mr. STEVENS. Mr. President, we are all honored to serve with this Senator. I hope every Member of the Senate will attend the reception for him.

Mr. WELLSTONE. Mr. President, all of us thank Senator STEVENS and Senator BYRD for having a gathering this afternoon for Senator INOUYE.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be given 10 minutes in morning business.

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

PERMANENT NORMAL TRADE RELATIONS WITH CHINA AND THE CHINA NONPROLIFERATION ACT

Mr. THOMPSON. Mr. President, we will shortly be taking up the matter of permanent normal trade relations with China.

Mr. President, normally, I do not think matters of trade should be encumbered by other non-trade considerations; however, in the case of China, the situation is different. Not only are we considering trade with someone other than an ally, someone other than a nation that shares our values and outlooks on life, but we are beginning a new relationship with a nation that is actively involved in activities that go against the national security of this nation, and go against the security of the entire world. China still is one of the world's leading proliferators of weapons of mass destruction. We are right now engaged in a debate in this country over a national missile defense because of the activities of certain rogue nations and the weapons of mass destruction that they are rapidly developing. They're developing those weapons, Mr. President, in large part because of the assistance they're getting from the Chinese.

The Rumsfeld Commission reported in July of 1998 that ''China poses a threat as a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technology. It has carried out extensive transfers to Iran's solid fuel ballistic missile programs, and has supplied Pakistan with the design for nuclear weapons and additional nuclear weapons assistance. It has even transferred complete ballistic missile systems to Saudi Arabia and Pakistan. China's behavior thus far makes it appear unlikely it will soon effectively reduce its country's sizable transfers of critical technology, experts, or expertise, to the emerging missile powers.

Mr. President, I speak today not to get into the middle of the PNTR debate, because that is yet to come, but because something has come to my attention that I think deserves comment.

Under issue cover dated June 22—today—the Far Eastern Economic Review reports this:

Robert Einhorn, the U.S. Assistant Secretary of State for Nonproliferation, left Hong Kong on June 11 with a small delegation bound for Beijing. Neither the American or Chinese side reported this trip. Einhorn is on a delicate mission to get a commitment from Beijing not to export missile technology and components to Iran and Pakistan. China has agreed in principle to resume nonproliferation discussions with the U.S. in July. But Einhorn's trip has an added urgency because recent U.S. intelligence reports suggest that China may have begun building a missile plant in Pakistan. If true, it would be the second Chinese-built plant there. A senior U.S. official declined comment on the report, but said that Washington is concerned that China has resumed work on an M–11 missile plant it started building in Pakistan in 1990. Work stopped in 1996 when Pakistan, facing U.S. sanctions, pledged itself to good behavior.

Mr. President, if this report is true, I must say it's totally consistent with everything else the Chinese have been doing over the past several years. In summary, they have materially assisted Pakistan's missile program; they have materially assisted North Korea's missile program; they have materially assisted Libya's missile program. They have now been responsible apparently for two missile plants in Pakistan. The India-Pakistan part of the world is a nuclear tinder box. They are going after one another with tests of missiles with the Indians saying they're responding to the Pakistanis' tests. The Pakistanis in turn are developing capabilities almost solely dependent on the Chinese. All of this activity by China is in clear violation of the Missile Technology Control Regime, which they have agreed to adhere to. In addition, they have assisted in the uranium and plutonium production in Pakistan. This is in violation of the Nuclear Non-Proliferation Treaty. They have been of major assistance to the Iranian missile program. They have supplied guidance systems to the Iranians. They have helped them test flight their Shahab-3 missile. They have now successfully conducted a test flight of that missile. They have supplied raw materials and equipment for North Korea's missile program. Plus, in addition, they have supplied cruise missiles to Iran, and they have supplied chemicals and equipment and a plant to Iran to help them produce chemical weapons.

Now, all of these have to do with reports, most have to do with intelligence reports, that we have received in open session before Congressional committees year after year after year where the Chinese have promised that they would do better, promised that they would adhere to international regimes and norms of conduct, and they have consistently violated them. We cannot turn a blind eye to these factors as we consider PTNR.

What is to happen to a nation that will not protect itself against obvious threats to its national security? That's why, Mr. President, we have introduced a bill that will establish an annual review mechanism that assesses China's behavior with regard to the proliferation of weapons of mass destruction. And if it is determined that they continue this conduct, we will have responses. They will be WTO-compliant; for the most part they will not be trade-related. They address things like Chinese access to our capital markets. They now are raising billions of dollars in our capital markets, and there's no transparency. We do not know what the monies are going for. We know precious little about the companies except that they are basically controlled by the Chinese government. Many people feel like the money is going back to enhance their military and other activities such as that. There needs to be transparency. They need to be told that if they continue with this pattern of making the world less safe, creating a situation where we even need to have to worry about a national missile defense system, assisting these rogue nations with the capability of hitting us with nuclear and biological and chemical weapons, that there's going to be a response by this country. It will be measured; it will be calculated; it will be careful; it will be tiered-up in severity based upon the level of their activities. And this is what we're going to be considering in conjunction with the PTNR debate.

I thought it was important that I bring this latest information concerning the Chinese activities in building apparently another missile plant in Pakistan, which is a nuclear tinder box, even at the time—even at the time—that we have under consideration permanent normal trade relations with them. That shows no respect for us; it shows no respect for the international regimes which seek to control such things, and it is time we got their attention. I yield the floor.

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

Mr. BIDEN. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. BIDEN. I ask unanimous consent if I could proceed in morning business for 10 minutes. If the committee is prepared to begin their deliberation, I will withhold.

Mr. SPECTER. We are prepared to begin our deliberations, but if the Senator from Delaware wants some time, I will defer to him.

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

Mr. BIDEN. Before the Senator from Tennessee leaves, let me say that I think his rendition of Chinese behavior and proliferation is accurate. I remind all Members to keep that in mind when we vote on a national missile defense system.

Right now, I point out, as my friend on the Intelligence Committee knows, China has a total of 18 intercontinental ballistic missiles. If we go forward with the national missile defense system that we are contemplating, and if we must abrogate the ABM Treaty in order to do that, I am willing to bet any Member on this floor that China goes to somewhere between 200 and 500 ICBMs within 5 years.

It is bad that China still proliferates missile technology. It is even more awesome that they may decide they are no longer merely going to have a ''city buster'' deterrent, which is no threat to our military capability in terms of our hardened targets and silos. If we deploy a national missile defense, they may decide that they must become a truly major nuclear power.

I also point out that, notwithstanding that everything the Senator said is true, I do believe there is hope in engagement. There is no question that the reason North Korea is, at least at this moment—and no one knows where it will go from here—is withholding missile testing, at least at this moment adhering to the deal made with regard to not reprocessing spent nuclear fuel, at least has begun discussions with South Korea, is in no small part because of the intervention of China.

As the Senator from Tennessee and the rest of my colleagues know, foreign policy is a complicated thing. We may find ourselves having to balance competing interests. I am not defending China's action. As the Senator may know, I am the guy who, with Senator HELMS 5 years ago, attempted to sanction China for their sale of missile technology to Pakistan. However, I think that as this develops and we look at the other complicated issues we will have to vote on, we must keep in mind that, as bad as their behavior is, we sure don't want them fundamentally changing their nuclear arsenal. I don't want them MIRVing missiles. I don't want them deciding that they are to become a major nuclear power.

I respectfully suggest that before we make a decision on national missile defense, we should know what we are about to get, for what we are bargaining for. Maybe we can build a defensive system that could intercept somewhere between 5 and 8 out of 7 or 10 missiles fired from North Korea.

As they used to say in my day on bumper stickers, ''One nuclear bomb can ruin your day.''

I am not sure, when we balance all of the equities of the concerns about what is in the interest of those pages on the Senate floor and their children, that if deployment of a national missile defense starts an arms race in Asia, it is actually in their interest in the long run.

I thank the Senator for his pointing out exactly what China is doing.

NATIONAL SECURITY

Mr. BIDEN. Mr. President, I thank the managers from Foreign Operations Subcommittee of the Appropriations Committee for accepting my amendment yesterday, which was a resolution arguing that we should restore the moneys that we cut from the NADR funding line in the State Department. The Foreign Operations Appropriation bill cut a lot of money out of a proposal and recommendation from the authorizing committee, the Senate Foreign Relations Committee.

We cut a significant amount of money out of some vital programs that we have to support nonproliferation, antiterrorism, and related programs. As a matter of fact, the 10 programs in this category are all on the front line of protecting our people from terrorism and weapons of mass destruction. Unfortunately, the funding in the Foreign Operations bill for 7 of those 10 programs was 37 percent below the levels requested by the President. And that is without counting another $30 million that was cut because the Foreign Operations Subcommittee concluded that a new counterterrorism training center had to be funded in the Commerce-State-Justice appropriations bill instead.

The national security and the very things my friend from Tennessee is talking about require that we provide substantially more of those requested funds.

Let me describe the programs that are treated so badly. In the nonproliferation field, we have the Department of State's Export Control Assistance program, which helps foreign countries to combat the proliferation of weapons of mass destruction. Recently, Customs agents in Uzbekistan, for example, stopped the shipment of radioactive contraband to Kazakhstan, which was on its way to Iran with an official destination of Pakistan. Press stories suggest that the shipment was really intended for an Afghanistan terrorist group affiliated with Osama bin Laden, who would have used it to build a radiological weapon for use against Americans.

Those Customs agents were trained in the United States. The equipment they used to detect the radioactive material was provided by the United States. In that case, the funding came from the Cooperative Threat Reduction Program, which is in another appropriations bill. But the Export Control Assistance Program has provided the same sort of assistance when the Nunn-Lugar program could not be used, and it regularly helps other countries enact the laws and regulations they need in order to be effective in export control. The personal ties that are forged by this program with export officials in other countries are equally critical in improving other countries' export controls and their willingness to work with us.

I cite that as one example. We are cutting by 37 percent on average the non-proliferation and anti-terrorism programs. We are cutting by 37 percent on average those programs that allow us to train customs agents and others in detecting the transfer of the very material my friend from the State of Tennessee is talking about being transferred. None of that is transferred in the open. China doesn't say, ''By the way, we are about to send to Pakistan the following.'' They don't do that. It is all done surreptitiously. How we are cutting funds to deal with the transport of materials that cause the proliferation to rise as it has is beyond me. It is absolutely beyond my comprehension.

There are many other aspects of the program. Last year Congress increased funding for this program from $10 million to $14 million. Indeed, the report for the Foreign Operations Appropriation bill takes credit for the increase. This year the President asked for $14 million to maintain the level we set up last year. But what happened? The appropriations bill cut it back down to $10 million. I don't get this. Hello? What is going on here? The committee takes credit for raising this program's budget and then cuts it back down? If there is a logic here, I fail to see it.

The fact is that last year, when it came to this program, the appropriators were right. This year they should do again just what they did last year. But they did not. That is why my cosponsors and I offered our amendment, and I am grateful to the managers for their acceptance of that amendment; I hope the conferees will take it to heart.

We need more export control assistance to help other countries keep nuclear materials out of the hands of their dangerous neighbors. Earlier this month the National Commission on Terrorism warned that it:

. . . was particularly concerned about the persistent lack of adequate security and

safeguards for the nuclear material in the former Soviet Union.

That is a cogent concern, one my friend from Tennessee and I and others have talked about on this floor. Export control assistance is one of the programs that helps keep those dangerous materials from crossing the former Soviet borders.

The Foreign Relations Committee is on record as favoring full funding of the request for this program. Indeed, it was suggested by Senator HELMS we add another $5 million to our security assistance to support strategic cargo X-ray facilities that would be used in the free port of Malta. Malta is a crossroads for shipping in the Mediterranean area and sometimes it has been the doorway for contraband flowing to Libya. You might think appropriators would pay attention to such a sensible suggestion, but the Foreign Operations Appropriation bill did the opposite.

Another non-proliferation program, International Science and Technology Centers, would provide safe employment opportunities for former Soviet experts. There are thousands and thousands of Soviet experts, nuclear experts. They are not getting paid. They don't have housing. Their economy is in the toilet. We have a program: We want to hire them. We don't want Qadhafi hiring them. We don't want them being hired in Libya. We don't want them hired in North Korea. So we have a sensible program.

I will end with this. There are 4 more examples, but I will not take the time.

What do we do? We cut these programs. Then we all stand—and I am not speaking of any particular Senator—and say we are going to fight terrorism, and nonproliferation is our greatest concern, and we are worried about this technology changing hands. The bottom line is the programs that help to do that are cut. That is why it is so important that our amendment of yesterday be implemented in conference.

I yield the floor and thank my colleague from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the bill, I compliment my colleagues, the Senator from Tennessee and the Senator from Delaware, for their comments this morning, calling attention to the major international problems on nuclear proliferation. This body will soon be voting on legislation to have permanent normal trade relations with China. As noted by the Senator from Tennessee, the People's Republic of China happens to be a major violator in proliferating nuclear weapons. They sent the M–11 missiles to Pakistan, which have been the basis for the nuclear arms confrontation between India and Pakistan. They have helped to proliferate weapons in Iran and North Korea. It is my view that the best way to restrain the People's Republic of China from posing an enormous international threat is to continue to give them permanent trade relations on an annual basis.

I have discussed this many times with my distinguished colleague from Tennessee. I hope he will join me in ultimately opposing normal trade relations as the best leverage to try to keep the people's Republic of China in line.

We have seen, again and again, problems that the executive branch cannot be, candidly, relied upon, with waivers being granted. Separation of powers has been established. The Senate is here and the House is here in order to see that there is another view about what is happening with China. The most effective leverage is to have an annual checkup on them, and to have the normal trade relations as the leverage, which would be very, very important.

I urge my colleague from Tennessee and others to consider that when that vote comes up. There is more involved in that issue than just the money; the future of civilization may be on the line if we do not contain the People's Republic of China from proliferating weapons of mass destruction.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to H.R. 4577, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the text of the S. 2553, as reported by the Senate Appropriations Committee, be inserted in lieu thereof, the bill as amended be considered as original text for the purpose of further amendment, and no points of order be waived by virtue of this agreement.

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

AMENDMENT NO. 3590

(The text of the amendment (No. 3590) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SPECTER. Mr. President, I am pleased to make the opening statement on the pending appropriations bill for the Departments of Labor, Health, Human Services and Education. The subcommittee, which the distinguished Senator from Iowa and I work on, has the responsibility for funding these three very important and major departments. We have come forward with a bill which has program level funding of $104.5 billion. While that seems like a lot of money—and is a lot of money—by the time you handle the priorities for the nation's health, by the time you handle the priorities for the nation's education—and the Federal Government is a relatively minor participant, 7 percent to 8 percent, but an important participant—and by the time you take care of the Department of Labor and very important items on worker safety, it is tough to find adequate funding.

We have structured this bill in collaboration with requests from virtually all Members of the Senate who have had something to say about what the funding priorities should be based on their extensive experience across the 50 States of the United States. We have come forward on the Department of Education with a funding budget in excess of $40 billion, more than $4.6 billion more than last year, and some $100 million over the President's request. We have established the priorities which the Congress sees fit. We have increased the maximum Pell grants. We have increased special education by $1.3 billion, trying to do a share of the Federal Government on that important item. We have increased grants for the disadvantaged by almost $400 million.

We have moved on the Department of Health and Human Services for a total budget of over $44 billion, which is an increase of almost $2.5 billion over last year. We have increased Head Start by some $1 billion, so it is now in excess of $6 billion. We have structured a new drug demand reduction initiative, taking the very substantial funds which are available within our subcommittee, and redirecting $3.7 billion to try to deal with the demand reduction issue.

It is my view that demand reduction is the long-range answer—that and rehabilitation—to the drug problem in America. We may be spending in excess of $1 billion soon in aid to Colombia, and it is my view that there is an imbalance in the $18 billion which we now spend, with two-thirds—about $12 billion—going to so-called supply interdiction and fighting street crime. They are important. As district attorney of Philadelphia, my office was very active in fighting street crime against drug dealers.

In the long run, unless we are able to reduce demand for drugs in the United States, suppliers from Latin America will find a way to grow drugs, and sellers on America's street corners will

find ways to distribute it, which is why we have made this initiative to try to come to grips with the demand side.

Last year, we structured a program to deal with youth violence prevention. We have increased the funding by some $280 million so that now it is being directed in a coordinated way against youth violence, and some substantial progress has been made in the almost intervening year since this program was initiated.

A very substantial increase in funding has been provided in this bill for the National Institutes of Health. I would suggest that of all the items for program level funding in this $104.5 billion bill, the funding for the National Institutes of Health may well be the most important.

I frequently say that the NIH is the crown jewel of the Federal Government, and add to that, in fact, it may be the only jewel of the Federal Government. Senator HARKIN and I, in conjunction with Congressman PORTER and Congressman OBEY on the House side, have taken the lead on NIH. Four years ago, we added almost $1 billion; 3 years ago we added $2 billion; last year we added $2.3 billion, which was cut slightly in across-the-board cuts to about $2.2 billion; and this year we are adding $2.7 billion.

There have been phenomenal achievements by NIH in a broad variety of maladies. There is nothing more important than health. Without health, none of us can function. It is so obvious and so fundamental.

These maladies strike virtually all Americans. I will enumerate the diseases which NIH is combating and making enormous progress: Alzheimer's disease, AIDS, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease, Parkinson's disease, spinal cord injury, cancers—leukemia, breast, prostate, pancreatic, lung, ovarian—heart disease, stroke, asthma, multiple sclerosis, muscular dystrophy, autism, osteoporosis, hepatitis C, arthritis, cystic fibrosis, diabetes, kidney disease, and mental health.

I daresay that there is not a family in America not touched directly by one of these ailments. For a country which has a gross national product of $8 trillion and a Federal budget of $1.85 trillion, this is not too much money to be spending on NIH. We are striving to fulfill the commitment that the Senate made to double NIH funding in the course of 5 years. We are doing a lot. We are not quite meeting that target, but we are determined to succeed at it.

This bill also includes $11.6 billion for the Department of Labor, an increase for Job Corps, an increase for youth offenders, trying to deal with juvenile offenders to stop them from becoming recidivous. There is no doubt if one takes a functional illiterate without a trade or skill and releases that functional illiterate without a skill from prison, that illiterate, unable to cope in society, is likely to return to a life of crime. Focusing on youthful offenders, we think, is very important.

We have met the President's figures on occupational safety and health, NLRB, mine safety, and for a specific problem we have topped the President's figure slightly by $2.5 million, seeing the ravages of black lung and mine safety-related programs that I have personally observed both in Pennsylvania's anthracite region in the northeastern part of my State and the bituminous area in the western part of my State.

I was dismayed when the subcommittee came forward with its budget to have the President immediately articulate a veto message. I note my distinguished colleague from Iowa nodding in the affirmative. He did a little more during the Appropriations Committee markup and not in the affirmative. I left it to my colleague to have a comment or two about the President of his own party. I learned a long time ago, after coming to the Senate, that we have to cross party lines if we want to get anything done in this town.

I am pleased and proud to say Senator HARKIN and I have established a working partnership. When he chaired this subcommittee, I was the ranking member. I like it better when I chair and he is the ranking member. He spoke up in very forceful terms criticizing the President, the President's men, and the President's women for coming forward with that veto statement when we have strained to put together this total bill of $104.5 billion, and it has been tough going to get the allocations from the Appropriations Committee.

I thank Senator STEVENS, the chairman, and Senator BYRD, the ranking member, for coming up with this money. When the President asked for $1.3 billion for construction and $1.4 billion for additional teachers and class size, we put that money in the budget. We did add, however, that if the local boards make a determination, factually based, that the money is better used in some other line, the local school boards can spend the money in that line, giving priority to what the President has asked for, but recognizing that cookie cutters do not apply to all school districts in America.

We have structured some different priorities in this bill. The last time I read the Constitution, it was Congress who had the principal authority on appropriations. It is true the President must sign the bill, but to issue a veto threat after the subcommittee reports out a bill, before the full committee acts on it, before the full Senate acts on it, before there is a conference seems to me to be untoward.

Regrettably, in the past, this bill has not been finished until after the end of the fiscal year, so we have been unable to engage in a discussion with the President and a discussion with the American people about what are the priorities established by Congress. I emphasize that this is a bill which receives input from virtually all Members. We have hundreds of letters which pour into this subcommittee which we consider, and the same is true on the House side. This is no small matter as to who may be assessing the priorities for America. For the President to say his priorities are the only ones to be considered seems to me untoward.

That is as noncritical a word as I can fashion at the moment. I thank the majority leader, Senator LOTT, for scheduling this bill early. We intend to conference this bill promptly with the House and have a bill ready for final passage in July—hopefully in early July—and then let us see the President's reaction.

We are prepared to take to the American people the basic concept that if school districts do not need additional buildings, they ought to be able to use their share of the $1.3 billion for something else. If some school districts do not have a problem with the number of teachers they have, they ought to be able to use their share of the $1.4 billion for something else.

This is a very brief statement of a very complicated bill.

At the outset, I thank my colleague, Senator HARKIN, for his diligence and his close cooperation in bringing the bill to the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased that the Labor-HHS bill has reached the floor relatively early this year. In the past few years, we have been sort of on the caboose end of the train.

It is an extremely important bill. It addresses many issues that are vital to the strength of our Nation—our health, education, job training, the administration of Social Security and Medicare, biomedical research, and child care, just to name a few.

Given its importance, I think it should be one of the first appropriations bills considered. But this is certainly the earliest this bill has gotten to the floor in many years. I am thankful for that.

At the outset, I thank my chairman, Senator SPECTER, and his great staff for their hard work in putting together this bill. As usual, Senator SPECTER has done so in a professional and bipartisan fashion. We all owe him a debt of gratitude for his patience.

This is always one of the most difficult bills to put together. This year the job has been especially difficult. I also thank the chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support this year. Their help has been invaluable.

Before I say a few words about the contents of the bill, I think it is important to briefly discuss this year's budget resolution because we operate within its framework.

I believe this year's budget resolution shortchanged funding for important discretionary activities, including education, health, and job training. The funds were, instead, used to give tax cuts to the wealthy and to give the Department of Defense more money than it even requested. Our subcommittee's inadequate allocation was the inevitable result of that ill-advised budget resolution.

But that allocation forced our subcommittee to reach outside its normal jurisdiction to find mandatory offsets to fund the critical programs in this bill. Some may criticize the bill for that reason. Some of those criticisms are valid.

For example, I hope to work with my colleagues—hopefully when we get to conference—to reverse the reductions in social services block grants.

There are many good provisions in this bill. It increases funding for NIH, as Senator SPECTER said, by a historic amount, $2.7 billion. Education programs are increased by $4.6 billion. Head Start is increased by $1 billion.

The $2.7 billion increase for NIH will keep us on our way to doubling NIH funding over 5 years. We are on the verge of tremendous biomedical breakthroughs as we decode the mysteries of the human genome and explore the uses of human stem cells. We are doing the right thing by continuing to support important biomedical research.

The bill increases funding for child care from the $1.2 billion level last year to $2 billion this year. The availability, affordability, and quality of child care are major concerns for working families, and they desperately need these funds. Only about 1 in every 10 eligible children is served by this program. These dollars will go to working Americans who really need the help.

Again, I want to make sure the record reflects that last year, during our negotiations, our chairman, Senator SPECTER, guaranteed that we would have this increase this year. He lived up to that commitment. We had a tremendous increase in the child care program, and we thank Senator SPECTER for his commitment and for keeping his word to get that increase for child care this year.

I am proud we could also increase funding for education programs by, as I said, $4.6 billion. That includes a $350 increase in the maximum Pell grant to $3,650, the highest ever.

In this year that we celebrate the 10th anniversary of the Americans with Disabilities Act, the bill includes a $1.3 billion increase in funding for the Individuals with Disabilities Education Act, or IDEA.

We have also funded a new Office of Disability Policy at the Department of Labor. At HHS, we were able to add funds for several other programs funded under the Developmental Disabilities Act.

This bill also places great importance on women's health and includes over $4 billion for programs that address the health needs of women. I again might add that Senator SPECTER and I worked together on a women's health initiative that is part and parcel of this bill, and that is what that $4 billion is for.

The bill also includes a $50 million line item to address the issue of medical errors and to help health care practitioners and health care institutions, hospitals, and other health care facilities, to begin the process of developing methodologies and ways of cutting down on medical errors.

Medical errors are now the fifth leading cause of death in America. As we have looked at this, we found it is not just one person or one institution or one cause; there is a whole variety of different reasons. Quite frankly, I think our institutions and our practitioners have not kept up with the new technologies of today which in most of the private sector have helped us so much with productivity and which I believe in the health care sector can really help us cut down on medical errors. But that is what that $50 million is there to do.

The bill is not without its problems. As I mentioned, we do have a problem with the social services block grant. Hopefully, we will get this bill to conference and we will be able to fix that at that time.

Also, the provisions in the bill that have the money for school modernization and for class size reductions are not targeted enough. They are just broadly thrown in there. Again, we had this battle last year. When it finally came down to it, the Congress agreed with the White House, in a partnership, that we needed to put the money in there for class size reduction. I believe the same needs to be done for school modernization.

We only put in 7 cents out of every dollar that goes for elementary and secondary education in America. We only provide 7 cents. A lot of that goes for, as I said, the Individuals with Disabilities Education Act. A lot of that goes for title I programs to help low-income areas. When it is all over with, we have just a penny or two left of every dollar that we can give out to elementary and secondary schools.

So when we put in money for school modernization, we ought to make sure that is what it goes for. Schools desperately need this money. Our property taxpayers all over this country are getting hit, time and time again, to pay more in property taxes, which can be very regressive, to help pay for modernizing their schools.

As we know, most of the schools need to be modernized; they have leaky roofs, and toilets that won't flush, water that is bad, and air conditioning—a lot of times they don't even have air conditioning—heating plants that are inadequate. As I pointed out, one out of every four elementary and secondary schools in New York City today are still heated by coal. And again, these tend to be in the lowest income areas. So we need to target that money. It is not in this bill. That is one of the problems with it. Again, I hope we can work that out as we go to conference.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most run down places they see are their public schools. Again, we have to fix these in conference.

I thank Senator SPECTER, once again, for being so open and working with us in a very strong bipartisan fashion.

We worked together to shape this bill. Overall, it is a good bill, with a few exceptions that we have to fix once we go to conference.

I want to make clear, I support the bill in its present form. I hope we get a good vote on it as it leaves here and goes to conference. I reserve my right, however, on the conference report, when it comes back. I am hopeful we can get it to conference with a strong vote, sit down with our House counterparts, and work out our differences. Hopefully, we can come back to the floor having fixed the class size, school modernization, and social services block grant problems we have in this bill.

I thank Chairman SPECTER for working in a bipartisan fashion. I hope we can get through this bill reasonably rapidly today, hopefully get to conference next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. ENZI. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3593.

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

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

The amendment is as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

Mr. HARKIN. I didn't hear the unanimous consent request.

The PRESIDING OFFICER. It was to dispense with the reading of the amendment.

The Senator from Arkansas.

AMENDMENT NO. 3594 TO AMENDMENT NO. 3593

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 3594 to amendment No. 3593.

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

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

The amendment is as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

The PRESIDING OFFICER. The Senator from Iowa.

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

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

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

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

Mr. SPECTER. Mr. President, the amendment has been offered dealing with ergonomics, and it is not an unexpected amendment. This has been a contentious issue on this bill for many years. We have had the matter before. I have conferred with Senator HARKIN, and there is no doubt we ought to proceed with the debate and let people have their say and let us see how the debate progresses.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I want to make sure we understand late today that we are not the ones who have offered this contentious amendment. This is a very important bill that involves hundreds of billions of dollars. The two managers have worked on this, and they have a bill we can make presentable to the rest of the Senate. I just want to make sure, when I am called upon, and others are called upon, we are not the ones who offered this contentious amendment. We are not going to move off this amendment—that is the point I am making—until it is resolved one way or the other. If there is some concern about that, I think the people who want this bill moved should try to invoke cloture. It won't be invoked, but that is the only alternative.

AMENDMENT NO. 3594, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is modified.

The amendment (No. 3594), as modified, reads as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

This amendment shall take effect October 2, 2000.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, let me just make an observation. I hear the threats that they are going to filibuster this amendment. This amendment deals with Labor-HHS appropriations. The Senate has the right to vote on whether or not we are going to spend the money in the Department of Labor to implement regulations that have a dramatic impact on business, on workers. We have a right to vote on it. The House voted on it; the Senate is going to vote on it.

We have voted on this amendment in one way or another almost every year since 1995. This is not a new issue. So now some people are saying, wait a minute, we are not going to take this tough vote. Didn't we just have a vote on hate crimes? I think we had two. Didn't we have a vote on campaign finance? Some people didn't want to vote on those two issues on this side of the aisle. Didn't we vote on a Patients' Bill of Rights?

Really, what the minority is saying is, we want to vote on our issues, but not on an issue that is relevant. Every amendment I just mentioned was not relevant to the underlying Department of Defense authorization bill. But still we ended up allowing those votes. We didn't have to. Now we have a relevant amendment to the underlying bill, Labor-HHS, the Department of Labor appropriations bill. We think the administration is going too far in the proposed regulations which they planned on having effective in December—these regulations the Clinton administration is trying to run through without significant hearings and without oversight and real analysis of how much it would cost.

Here is an example. On cost alone, the Department of Labor said—OSHA said—this regulation will cost $4 billion. The Small Business Administration, which they control, said the cost could be 15 times as much, or $60 billion a year. This Congress is not going to vote on a regulation that could cost $60 billion a year as estimated by the Small Business Administration? The private sector estimates range to over $100 billion per year. Wow, that is a lot of money. Shouldn't we vote on it?

Are these good regulations or not? Are we going to be able to stop them or not? Do we want to stop them? What are the regulations? They deal with ergonomics and with motion. OSHA—the Occupational Safety and Health Administration—is saying: We want to have some control over motion, and we think maybe this is harmful, and therefore we are going to control it. It may mean lifting boxes, or sitting at your desk, or anything minuscule, or something large.

The Department of Labor is coming in and saying: You need a remedy, you need to change the way you do business, because we know how to do your business better, and if it increases costs, that is too bad—not to mention the fact that they say we are going to change workers comp rules in every State in the Nation. I wonder what Senator BYRD from West Virginia thinks about changing workers comp rules in West Virginia.

I used to serve in the Oklahoma legislature. I worked on those laws and rules in our State. Are we going to have the Federal Government come up with a reimbursement rate of 90 percent when our State already passed a workers comp rule of 67 percent? Does the Federal Government know better?

My suggestion is that my colleagues from Arkansas and Wyoming, in introducing this amendment, have every right to offer an amendment that says: We are going to withhold funds on this regulation. We don't want a regulation to go into effect in December without us having additional time to consider it, without knowing how much it is going to cost. Maybe it should be postponed or suspended; maybe we should let the next administration deal with it. Let's vote on it.

For people to say, wait a minute, we don't like this amendment, so we are going to filibuster—there are probably a lot of amendments I don't like. Are we going to filibuster all of those? I think that would be grossly irresponsible. We need to let the Senate work its way.

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

Mr. NICKLES. Yes.

Mr. HARKIN. Would the Senator tell us under which Secretary of Labor and

how long ago this proposed ergonomics rule was promulgated? How many years of study have we put in on it?

Mr. NICKLES. The original rule came out, I believe, in 1995, and it made very little sense. The latest proposal had over 600 pages. The business community and others who looked at it said it was not workable. The Department of Labor has come back and said let's revise it and make it more workable. Did they show us results? No. They said let's overrule the States' workers comp.

If this went into effect—and I don't think it will, so maybe that is why people don't want to vote on it. But does this Congress really want to overrule every States' workers comp law? I don't think so. I think it would be a mistake.

To answer the question, this administration has been trying to promulgate this rule for about 5 years. We have been successful most of those years in putting in restrictions to stop them. Unfortunately, we didn't get it in last year. To me, it was one of the biggest mistakes Congress made last year—not stopping this administration. Now they are trying to promulgate the rule, I might mention, right after the elections, right before the next President. I think a delay is certainly in order.

Mr. HARKIN. Will the Senator yield for a further question on that?

Mr. NICKLES. Yes.

Mr. HARKIN. Again, it was my understanding that it was former Secretary of Labor Elizabeth Dole who first committed the Department to issue an ergonomic standard to protect workers on carpal tunnel syndrome and MSDs, as they are called. It has been under study for 10 years; is that right?

Mr. WELLSTONE. The Senator is right.

Mr. NICKLES. I think he asked me. They may have been working on this Department of Labor takeover of, I don't know what—workers involvement. But they issued the rule on November 23 of last year—a rule that has 600 pages. They may have been working on it for 10 years, but I doubt that. This administration hasn't been in office quite that long. But with enormous expense.

I think, again, we should have a vote. To give an example, I came from manufacturing, and we lifted and moved a lot of heavy things. I don't really think somebody from the Department of Labor could come into Nickles Machine Corporation and say: Hey, we know the limits on what somebody can lift as far as pistons and cylinders and bearings are concerned. Therefore, we suggest you put a maximum on it. Or maybe every Senator—everybody has a machine shop, or every Senator has a bottling company. Somebody comes into the Senate every day and loads the Coke machines and the Pepsi machines.

This rule says that you can't lift that many cases; that you can't lift two cases at once, or one case, or maybe you can only lift a six-pack or something. The net result would be an estimate that bottlers would have to hire twice as many people. Maybe this is an employment bill.

My point is you could increase costs dramatically with draconian results without even knowing what we are doing.

I think a delay and not to have a regulation with this kind of economic consequence coming right after the election and right before the swearing in of a new administration makes good sense.

Let's postpone this until the next administration.

I thank my colleagues for their efforts.

I yield the floor.

Mr. WELLSTONE. Mr. President, my colleague has the floor. But could I have my colleagues' forbearance for a 15-second request?

Mr. President, I would like to respond to some of what was said by the Senator from Oklahoma; in other words, after Senator ENZI, and go back and forth on this, pro-con.

Mr. ENZI. Mr. President, I ask unanimous consent that following my speech, Senator WELLSTONE be recognized as ranking member of the subcommittee that deals with this, and I ask unanimous consent that Senator HUTCHINSON be allowed to follow that.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thank the ranking member. This is not a new issue for either of us. We have been holding hearings on it. It has been in the press. We both knew about it. He was here to debate it. This is not a surprise.

I am pleased that I am going to be able to make my floor statement. I think perhaps after the floor statement maybe the other side would like to join me in proposing this amendment. I think there will definitely be additional Members who will want to join me in this.

Mr. President, I rose today and offered an amendment that simply prohibits the Occupational Safety and Health Administration, OSHA, from expending funds to finalize its proposed ergonomics rule for 1 year. It was mentioned before that last year we didn't get a prohibition against them proceeding with it. You will hear in a bit how much that little error has cost us.

But before I tell you why this amendment is critically necessary, I want to tell you what this amendment is not about.

This amendment is not about whether or not OSHA should have any ergonomics rule. It is not a prohibition on ergonomics regulations generally. And it is most definitely not a dispute over the importance of protecting American workers. Clearly protecting workplace safety and health is of paramount importance.

As the chairman of the subcommittee that deals with worker safety, I feel a special responsibility to oversee the agency charged with safeguarding these workers. But I am not fulfilling this responsibility if I merely rubber stamp anything OSHA does just because OSHA says it is acting in the interest of worker safety and health. I have a duty to make certain that OSHA is acting responsibly, appropriately, and in the best interests of workplace safety and health. Sadly, OSHA has not done so with this proposed ergonomic rule. That is what this amendment is about.

Because of this rule and the way OSHA is going about it, the amendment merely requires that OSHA wait a reasonable 1-year period before issuing a final ergonomics rule. That is to keep OSHA from making drastic mistakes to add to those already made.

Let me tell you why it is imperative that Congress act now to require OSHA to take this reasonable additional amount of time for this rulemaking.

In a nutshell, OSHA is using questionable rulemaking procedures; OSHA omitted the analysis of the economic impact; OSHA hasn't resolved conflicting laws; and this rule infringes on State workers compensation—to name a few of the problems that riddle this overly ambitious rule. OSHA's haste to get through the rulemaking process is very clear. The rule OSHA has proposed is arguably the largest, broadest, most onerous and most expensive rule in the history of the agency—probably any agency. But OSHA has made it very clear that it intends to finalize the rule this year—just over a year from the time the proposed rule was published. This narrow-minded commitment to year's end can only mean that OSHA has already made up its mind in favor of the rule and thinks it will leave a mammoth and far-reaching legacy for the current Presidential administration. I would suggest it will be closer to the legacy of the OSHA home office inspections.

Perhaps you remember the letter issued by OSHA about the time we left for Christmas recess, the one that suggested OSHA was going to go into each home where people work and look for safety violations. From the time we found out about it, it only took 48 hours to see how far-reaching, imposing, and stupid that decision was. Of course, the whole Nation realized the implications of the home inspections even quicker.

I am extremely concerned that OSHA is blinded by the motivation to get it done during this administration and is not taking the time to carefully consider all the aspects and effects of this important rule.

For example, the public comment period for the proposed rule was much shorter than OSHA typically permits—even for much less significant rules. OSHA has never before finalized such a significant rule in a year's time. Moreover, in its haste to get through this rulemaking process, OSHA, until recently, omitted an analysis of the economic impact of the rule on the U.S. Postal Service, on State and local government employees in State plans, and on railroad employees—all together, over 10 million employees. These aren't optional economic impacts. These are mandatory, in light of the dollars involved. OSHA is apparently so busy with other things that it did not do the analysis for these entities until the end of last month, despite the fact that the Postal Service requested an analysis 5 months prior.

To add insult to injury, OSHA has only given these folks 2½ months to comment on the complex analysis that OSHA forgot to do, and OSHA won't even consider extending the overall comment deadline for these folks.

It is because they are trying to get it done this year. They have had 5 months to prepare it, and they tell the Postal Service that they have to analyze it in 2½ months—no extension.

Even more troubling than the fact that OSHA is rushing the rule is the way OSHA is going about it. OSHA's ambitions with this rule are so big and overreaching that OSHA has truly bitten off more than it can chew, and may be playing fast and loose with the rulemaking process and your tax dollars. In fact, OSHA has bitten off so much with this rule that it is apparently paying others to chew for it—too big a bite. They can't chew it all. So to make it happen in 1 year, they are going to pay others to do some of their chewing. I use the word ''apparently'' because of the difficulty getting answers.

Responding to inquiries first made by Congressman DAVID MCINTOSH, OSHA recently disclosed that it has paid at least 70 contractors a total of $1.75 million—almost $2 million—to help it with the ergonomics rulemaking. They are paying these contractors with our tax dollars in order to speed the process up on a bad rule. Congressman MCINTOSH's staff discovered that OSHA may have failed to disclose an additional 47 contracts for who knows how much more money. OSHA's own documentation reveals that it paid 28 contractors $10,000 each to testify at the public rulemaking hearing.

Going through some of the accounting information, I even noticed that one contractor had turned in an itemized bill for less—and was still paid the $10,000.

When I asked OSHA for evidence of public notification that it was paying these witnesses, OSHA gave me none. I am very concerned that OSHA is paying so much money for outside contracts for this rulemaking that I intend to hold a hearing to get to the bottom of this issue. Let me state things I already know. I think you will be convinced, as I am, that we absolutely need to put the brakes on this rulemaking and force OSHA to straighten this mess out before it finalizes the rule.

First, OSHA does not seem to want to have me have this information. Some of it is just good accounting stuff. As the only accountant in the Senate, I am really interested. I have requested documents from OSHA that would give a clear picture of its relationship with some of these contractors, but OSHA has so far refused to give them to me, claiming a ''privilege.'' That applies to private citizens, not to Congress. We have the right to know where the dollars that we are spending go, unequivocally.

Now, Congressman MCINTOSH has been able to obtain some key documents from the contractors themselves, but OSHA placed strict constraints on Congressman MCINTOSH's ability to share them with fellow lawmakers. This is stuff that came from the contractors, and OSHA can still get its hands in and keep us from using it the way it ought to be used. OSHA did grudgingly agree that I could look at the documents—not take them or copy them or quote from them—but only in Congressman MCINTOSH's office. When I asked OSHA, as a courtesy, to permit Congressman MCINTOSH's staff member, Barbara Kahlow, to bring the documents to me, just to look at them, abiding by the rules, OSHA said no.

I am so concerned about this issue that I went over to Congressman MCINTOSH's office last night after I finished working at the Senate to look at these documents for myself. Now, fortunately, Congressman MCINTOSH's negotiations made that possible.

Can anyone believe that documents concerning money we are spending have to have special negotiations before I can look at them? It comes under my committee. I am in charge of the oversight on that committee. Let me recap that: I was told that the contracts and expenditures are privileged. I was told that information couldn't be brought to my office. I was told I could not copy any information. I was told I could not quote any information. I was told that I couldn't quote from the documents. I had to use extra time to go to the House side to even see those documents. I am not afraid of a little walk over to the House. I just couldn't understand why OSHA was going to so much trouble to keep the documents from me. I physically went to Congressman MCINTOSH's office last night and looked at the documents.

Because of OSHA, I can't quote these documents. I can't show you copies. But I can tell you what I saw. I saw that not only did OSHA pay 28 expert witnesses $10,000 a pop, and one of them didn't even ask for that much, it also appears that OSHA did the following: OSHA gave detailed outlines to at least some of the witnesses telling them what they were to say in the testimony; second, they had OSHA lawyers tell at least one expert witness that they wanted a stronger statement from the witness regarding the role of physical factors. That is an important scientific issue. These are supposed to be experts. They told him to make it stronger. Third, heavily edited testimony of at least some of the witnesses is evidenced. OSHA held practice sessions to coach the witnesses in their testimony. I have never heard of that around here. This sounds a lot like OSHA told its expert witnesses what to say. This sounds like OSHA made up its mind a long time ago in favor, and has been stacking the evidence to support its position.

I respect OSHA's need to enlist expert assistance in technical or scientific rulemaking. I expect them to get the right information. I would like to think it wasn't biased when they got it. And I have to say, I don't respect any agency paying witnesses to say what the agency tells them to say, and then holding the witnesses' testimony up as ''best available evidence.'' Best available evidence is what the OSH Act requires to support this standard. It doesn't say anything about paying witnesses or coaching witnesses. It doesn't say anything about telling them to change their testimony.

How can OSHA expect the public and Congress to have any confidence that it is promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, so OSHA can promulgate whatever rule the administration thinks is in its own interest?

That has been the problem with the past years of looking at regulating ergonomics. OSHA makes up the rules. OSHA does the tests. OSHA says their tests are good. OSHA gets ready to propose a rule and realizes they have made a drastic mistake. That has happened in the past. That is why this little document is the first published proposed ergonomics regulation. It didn't happen until November of last year. This document, this is the first time we have gotten a look at this document. It is the first time it has been officially printed.

How can OSHA expect the public and Congress to have any confidence in its promulgating regulations in the best interest of worker safety and health if it is asking supposed experts to tell OSHA what it wants to hear, and has already told them what to say, so that OSHA can promulgate whatever rule the administration thinks is in its own interest? No wonder OSHA has promulgated such a greedy, overreaching rule.

Maybe I could pass all the OSHA reform legislation I wanted if I could pay 28 witnesses $10,000 apiece to come in and say what I wanted them to say in my hearings. Does that seem like a conflict of interest?

I wouldn't do things that way. In fact, we had a hearing recently about one of the most objectionable parts of this rule, the work restriction protection provisions. I will talk about those in a few minutes. We had to tell one of the witnesses we selected that we couldn't pay his transportation costs—not a $10,000 bonus to testify; we couldn't pay his transportation costs. We did this in part for financial reasons and in part because we wanted to avoid the appearance of impropriety that can result from spending taxpayers' dollars on a witness who is supposed to be giving an unbiased opinion. This witness came to Washington anyway—on his own dime. He didn't have his State pay for it. He paid for it out of his pocket to testify at my hearing because he felt so strongly about the terrible effects of this ergonomics rule.

Needless to say, I am very disturbed by what I have seen to date about this issue. OSHA's response is that it has always paid witnesses for their testimony. I can't find that in any public documents. I can't find that disclosure. I can't find where they actually said that they were paying them, and this was paid testimony. It seems that ought to be disclosed. Whether or not this is true, it remains to be seen whether OSHA has ever paid this many witnesses this much money and participated this thoroughly in crafting the substance of a witness' testimony. OSHA has also tried to give me the typical excuse of a teenager caught doing something wrong: Hey, everybody is doing it.

To that, let me first respond with the typical, but sage parental response: If everybody were jumping off a bridge, would OSHA jump off a bridge, too? That doesn't sound like good safety to me.

Second, everybody is most certainly not doing it. Representatives of both the Department of Transportation and the Environmental Protection Agency, two agencies that promulgate lots of supertechnical regulations, dealing with scientific things, have stated publicly that they do not pay expert witnesses, except possibly for travel expenses.

Let me say that again. The Department of Transportation and the Environmental Protection Agency, agencies that promulgate lots of supertechnical regulations, have stated publicly—you can read it in the paper—that they do not pay expert witnesses, except possibly for travel expenses. As the DOT general counsel put it ''Paying experts would not get us what we need to know.''

Finally, just because OSHA may have these things in the past, in my book that does not make this practice OK in this instance. On the contrary, it makes any other instances of witness coaching equally objectionable. Two wrongs don't make a right. We can't do anything about past rulemakings, but we can do something about this one—if we act now.

Clearly, more needs to be learned about this subject, but if we don't pass this amendment, OSHA is going to forge ahead and finalize a document that they have already determined is the perfect answer even before the comments have been sifted through. They will finalize a possibly—no, almost assuredly—be a tainted rule, and we won't have another opportunity to stop them. A vote for this amendment makes certain that we will have sufficient time to conduct a thorough congressional investigation into this issue and force OSHA to clean up its rulemaking procedures if necessary.

Lest you think my concerns about this rule are only procedural, rest assured these procedural concerns are only half the problem here. This rule has serious substantive flaws. Much has been written and debated about the many problems with this rule—its vagueness, its coverage of preexisting and non-work related injuries, the harshness of its single trigger. I expect you have all heard something about these topics and my colleagues will talk more about these later today. In my investigation of the rule, I found two particularly troubling issues. Both involve the reach of the long arm of this overly ambitious rule into arenas outside of OSHA's jurisdiction—both with disastrous effects.

First, the rule will have a devastating effect on patients and facilities dependent on Medicaid and Medicare.

OSHA has created a potential conflict between the ergonomics rule and health care regulations. Congress recognized the importance to patient dignity of permitting patients to choose how they are moved and how they receive certain types of care when it passed the Nursing Home Act of 1987. This act and corresponding regulations mandate this important freedom of choice for patients. The ergonomics rule, on the other hand imposes many requirements on all health care facilities and providers concerning patient care and movement. Thus, these facilities and providers may be forced to choose between violating the ergonomics rule or violating both the Nursing Home Act and the patient dignity.

Moreover, OSHA's rule forces impossible choices about resource allocation between patient care versus employee care. The only way for businesses to absorb the cost of this rule under any situation is to pass the cost along to consumers. However, some ''consumers'' are patients dependent on Medicaid and Medicare. The Federal Government sets an absolute cap on what these individuals can pay for medical services. Thus, the facilities that provide care for these patients simply cannot charge a higher cost.

Simply put, these facilities and providers are unable to absorb the cost of the ergonomics rule. And there is no question these facilities will face a cost. OSHA's own estimate of the cost of compliance in the first year will total $526 million for nursing and personal care facilities and residential care. And you have to remember, we are saying that they really use conservative, from their point of view, estimates of costs. The industry estimates that the per-facility cost for a typical nursing home will be $60,000. But my issue with this rule is not that it will cost these facilities so much money—it is that it will cost elderly and poor patients access to quality care. You have probably heard about some of the facilities going out of business because of some appropriations measures we passed. We have corrected them a little bit. But my issue with this is not what it will cost these facilities, but what it will cost the elderly and the poor in access to quality care. Sadly these patients are already in danger of losing quality care. Many facilities dependent on Medicaid and Medicare are in serious financial straits due in part to the Balanced Budget Act of 1997. Ten percent of nursing homes are already in bankruptcy. And the Clinton administration just announced a request for an additional $20 billion for Medicaid and Medicare so that the reimbursement cap can be raised. All this is before the costly ergonomics rule places its additional tax on an already overtaxed system. Implementing this sweeping and expensive proposed ergonomics standard is simply more than this industry can bear.

Let me assure those who say this Medicaid/Medicare quandary will not have very broad impact—let me assure them that it will. Nearly 80 percent of all patients in Nursing Homes and over 8 million home health patients are dependent on Medicare or Medicaid. How will these patients receive health care if the ergonomics rule forces nursing homes and home health organizations out of business? The answer is, they won't. But it does not appear that OSHA has even considered that consequence. Perhaps OSHA is assuming that Congress will clean up after it by raising reimbursement rates to accommodate OSHA's rule? If this is the case, then OSHA itself has invited us to step in, prohibit OSHA from finalizing this rule and OSHA back to the drawing board. A vote in favor of this amendment will ensure that OSHA resolves the mess its rule creates for providers and patients before issuing a final rule. That ought to be a basic consideration for us in this body.

The second problem I am very concerned with is OSHA's encroachment into State workers' compensation. A provision of the rule would require employers to compensate certain injured employees 90 to 100 percent of their salary. OSHA calls this requirement ''work restriction protection'' or WRP. But it sounds an awful lot like workers' compensation doesn't it? They told us they don't have the money to do the job, and now OSHA apparently wants a new job—to be a Workers Compensation Administration. That is why we held a hearing, to see what was involved in that. But there are two problems with that. First, the statute that created OSHA tells us that OSHA is not to meddle with workers' compensation. Second, OSHA's intrusion into the world of workers' compensation will hinder its ability to perform its true and very important function—improving workplace safety and health. All of the States already do Workers Comp.

Thirty years ago, when Congress wrote the Occupational Health and Safety Act, it made an explicit statement about OSHA and workers' compensation. It wrote that the act should not be interpreted to:

> . . . supersede or in any manner affect any workmen's compensation law, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

Twice this provision uses the broad phrase ''affect in any manner'' to describe what OSHA should not do to State workers' compensation. As someone with the privilege of being one of this country's lawmakers, it is hard for me to imagine how Congress could have drafted a broader or more explicit prohibition on OSHA's interference with State workers' compensation.

Perhaps more importantly, this provision of the law makes good sense. All 50 States have intricate workers' compensation systems that strike a delicate balance between the employer and employee. Each party gives up certain rights in exchange for certain benefits.

For example, an employer gives up the ability to argue that a workplace accident was not its fault, but in exchange receives a promise that the employee cannot pursue any other remedies against it. The injury gets taken care of, the injury gets paid for, and the worker gets compensated.

Each State has reached its own balance through years of experience and trial and error. Many of us have served in State legislatures where one of the perpetual questions coming before the legislature is changes to workers compensation. It is a very intricate process.

Significantly, Congress has never taken this autonomy away from the States by mandating Federal workers compensation requirements and, in fact, put those statements in, to which I referred earlier, where they are clearly not to get into workers compensation. The States have special mechanisms set up for resolving disputes and vindicating rights under the workers compensation systems.

OSHA wants to create its own Federal workers compensation system, but only for musculoskeletal disorders, MSDs. But OSHA does not have the mechanisms or the manpower to decide the numerous disputes that inevitably will arise because of the WRP provision. I ask all Senators to talk with their State workers compensation people. I have not found any of them who did not think this was intrusive, who did not think this gets into their business which they have crafted for years and years.

OSHA does not have the mechanisms or the manpower these States have to decide the numerous disputes that will arise. All of a sudden, OSHA will have to decide disputes over the existence of medical conditions, the causation of the medical conditions, the right to compensation.

But what happens to workplace safety and health while OSHA is being a workers compensation administration? The devastating effect on workers compensation has been recognized by workers compensation commissioners across the country. The Western Governors' Association has issued a resolution harshly criticizing the WRP provisions. Moreover, Charles Jeffress met with a large group of workers compensation administrators, and when I asked him how many spoke in favor of this provision, he answered: None. It was not quite that definite, but he answered definitely none.

Significantly, this meeting took place before the proposed rule was published, so Mr. Jeffress obviously did not take their lack of support to heart in drafting the proposed rule.

If this lack of responsiveness is any indication, we can have no confidence OSHA will take this provision out of the final rule. A vote for this amendment ensures that OSHA will have to take additional time to consider all the negative feedback it has received on this issue alone. Hopefully, with this additional time, OSHA will recognize that it should stay out of the workers compensation business and get back to the important business of truly protecting this country's working men and women.

From all of these facts and circumstances, I hope it is as clear to you as it is to me that OSHA is not ready to take sensible, informed, reliable action on ergonomics. Unfortunately, it is equally clear that OSHA is going to push forward anyway unless we take some action. Because of the magnitude of this issue, it is absolutely imperative that cool heads prevail over politics. We must ensure that OSHA takes the time to investigate and solve problems with the rule without taking shortcuts. Nobody puts them under the deadline except themselves, but they are obviously convinced of the deadline.

If we do not act now to impose a reasonable 1-year delay of the finalization of the rule, OSHA will forge ahead and produce a sloppy final product that not only fails to advance worker health and safety, but also threatens the viability of State workers compensation, health care, the poor and elderly, not to mention businesses all across the country.

If even one of these issues I raised troubles you—and I think they should all trouble all of us deeply—then you must recognize the desperate need for a 1-year delay.

I urge your support of this amendment. I am joined in offering this amendment by my colleagues, Senators LOTT, NICKLES, JEFFORDS, BOND, HUTCHINSON, BROWNBACK, SESSIONS, HAGEL, DEWINE, CRAPO, BENNETT, THOMPSON, BURNS, COLLINS, FRIST, GREGG, COVERDELL, VOINOVICH, FITZGERALD, ABRAHAM, SNOWE, ASHCROFT, GRAMS, HUTCHISON, THOMAS, and ALLARD. I ask unanimous consent that they all be added to the amendment as original cosponsors.

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

Mr. ENZI. Mr. President, I urge my colleagues to vote in favor of the amendment that will ensure we have this delay to do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I do not know quite where to start. My colleague from Oklahoma had said earlier, and both my friends from Wyoming and Arkansas had said, we ought to have a debate. We will. We ought to be focusing on this issue. We will focus on this issue.

There are many important issues we should focus on in the Senate. This is an important issue. I want to speak about it. In my State, by the way, two-thirds of senior citizens have no prescription drug coverage at all. I would like to focus on that issue. I would like to make sure 700,000 Medicare recipients have coverage. Education, title I—I would like to talk about a lot of different issues, but this issue is before us. I hope we will be able to speak to many different issues in several months to come.

First, my colleague, Senator ENZI, complains about the rule, but there is no final rule. It is not final yet. That is the point. OSHA, which is doing exactly what it should do, Secretary Jeffress is doing exactly what he should do by law—holding hearings, getting input—they are going to issue a final rule. They have not issued a final rule.

My colleague jumps to conclusions and joins the effort over 10 years to block a rule, but the rule has not been made. There may be significant changes. When my colleague complains about the rule, let's be clear, they have not finished the process. We do not know what the final rule is yet. But for some reason, my colleagues on the other side of the aisle are so anxious to block this basic worker protection that they already feel confident about attacking a rule that does not exist.

Second, my colleagues say that OSHA is rushing.

Senator HARKIN was quite right in saying to Senator NICKLES: Wait a minute, didn't this go back to Secretary Elizabeth Dole? Wasn't Secretary Dole the first to talk about the problem of repetitive stress injury and the need to provide some protection for working men and women in our country? This has been going on for a decade. And Senator JEFFORDS and OSHA and the administration are rushing?

By the way, I say to my colleagues, time is not neutral. From the point of view of people—I am going to be giving some examples because this debate needs to be put in personal terms. It is about working people's lives, from the point of view of people who suffer from this injury, from the point of view of people who are in terrible pain, from the point of view of people who may not be able to work, from the point of view of people who can have their lives destroyed because of this injury, because of our failure to issue a standard. We are not rushing. Can I assure all Senators that we are not rushing from their point of view?

Then my colleague talks about home office inspections. This is a red herring. We agree, OSHA agrees, they are not going to be inspecting home offices. Why bring up an issue that is not an issue?

My colleagues talk about the WRP, the work restriction protection, and all about the ways in which it will undercut State worker comp laws. But you know what, in our committee hearing, we heard from witnesses that it has no effect on workers comp laws. We will debate that more. But no one, no Senator should be under the illusion that OSHA is about to issue a rule that is going to undercut or overturn State comp laws.

Then I hear my colleague, my good friend, complain about OSHA's use of contractors. They have hearings all across the country. They hire people to help them go through all of the paperwork. They hire people so that we do not have unnecessary delay. That is exactly what they should be doing. Frankly, I think these arguments that we hear on the floor of the Senate are just arguments in trying to prevent OSHA from doing exactly what its job is.

What is its job? There are today 1.8 million workers who suffer from work-related MSDs and 600,000 workers who have serious injuries and lost work time. That is a lot of men and women who are in pain and who struggle because of these workplace injuries.

Elizabeth Dole, a Republican, Secretary of Labor, recognized this 10 years ago. For 10 years, some of my colleagues have done everything they know how to do to block OSHA from issuing a rule to protect working people in this country. They come up with all these arguments, complaining about a rule—but we do not know what the rule is—saying that OSHA is rushing—when we have been at this for a decade—talking about the horror of home office inspections—which will not take place; there will be no home office inspections—and so on and so forth.

Frankly, I think this is nothing more than an effort to make sure there is no rule issued at all. Because you know what, we are not arguing about even what kind of rule. That is the irony of this debate. I hope it will not become a bitter irony. We are arguing over whether OSHA should be allowed to issue any rule. Some of my colleagues are so comfortable with the status quo.

We have 600,000 workers with serious injuries, lost work time, and there are those who do not want OSHA to issue any rule.

Women workers—when you vote on this, one way or the other, remember women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 they accounted for 64 percent of repetitive motion injuries, and they accounted for 71 percent of the reported carpal tunnel syndrome cases—women in the workplace, in pain, injured. We do not want to provide any protection?

I say to my colleagues, the only rush I see here is not OSHA's rush to provide some protection for working men and women, the only rush I see is the rush on the part of my colleagues to block OSHA from providing any protection.

Why the rush to block protection for working people in our country? That is my question.

The cost of these injuries to workers, employers, and the country as a whole is enormous. The worker compensation costs are estimated to be about $20 billion annually; overall costs, $60 billion.

I will have more to say about this later on in the debate, but when I hear about the nursing homes, and how if we have any kind of ergonomic standard, the nursing homes will go out of existence, I think of two things. No. 1, I wonder how many of my colleagues voted for the 1997 balanced budget amendment. I did not. But if you did, you ought to talk about a piece of legislation that was destined, given the draconian reductions in Medicare reimbursement, to play havoc especially with our hospitals and our nursing homes in rural America, and that is it.

Actually ergonomics programs save employers money because you prevent injuries, you cut worker compensation costs, you increase productivity, and you decrease employee turnover. I do not think that is really very difficult to grasp.

Let me repeat it. Ergonomics programs save employers money, save nursing homes money, because if you can prevent the injuries, you can cut the worker comp costs, you can increase productivity, and you can decrease employee turnover, which, by the way, is a huge problem in our nursing homes, as is the case with child care workers.

OSHA's proposed ergonomics rule would prevent about 300,000 injuries each year and save about $9 billion in worker compensation and related costs. I don't know, maybe you can come out with a figure of a little less or a little more, but that is significant.

Ergonomic injuries can be prevented. That is what is so outrageous about this amendment. Ergonomics programs implemented by employers, such as Ford Motor Company, 3M in my State of Minnesota, and Xerox Corporation, have significantly reduced injuries, lowered worker comp costs, and improved worker productivity. But only one-third of employers currently have effective programs.

On the House side, first of all, we have had the debate about whether or not there would be good science. Initially, back in 1999, we had an agreement between the Republicans and the Democratic leaders and the Clinton administration, which would fund a scientific study by the National Academy of Sciences of the scientific evidence on ergonomics with the understanding that OSHA's ergonomics standard would proceed. That was the understanding. That understanding clearly no longer counts. All the discussion about how we needed good science obviously was not the issue. My colleagues are not interested in any of that. They are only interested in one thing: They want to block OSHA from issuing any kind of rule that would provide protection to these working people.

Again, 1.8 million workers suffer from work-related MSDs, 600,000 workers from serious injuries. My colleagues come out on the floor and make arguments that amount to nothing more than delay because they want to block OSHA from issuing any regulation. They don't even want to wait to see what the regulation is. They just want to block it. They are for the status quo, but the status quo is not acceptable because we ought to provide some protection for these women and men in the workplace.

I could, but I will not, spend time with a lot of stories. I want to give my colleagues some sense of what this debate means in personal terms. That is

what it is really about. It is not about a rule because the rule has not been promulgated. We don't know what the rule is. It is not about a rush on the part of OSHA because, if we go back 10 years, it was Elizabeth Dole, a Republican, who was first talking about the problem with these injuries. It is not about the scope of the rule because we don't know what it is. It is about whether or not we are going to have political interference to block an agency which has the mandate and the mission of protecting working men and women in this country. It is also about people's lives.

I say this to my colleague from Wyoming, whom I like and enjoy as a friend, to the extent people get a chance to spend any time with one another here:

I think this debate will be a sharp debate because I think there are some real differences between Senators on this question that make a real difference. I cannot help but express my indignation on the floor of the Senate that when you have 600,000 workers seriously injured every single year because we have not issued any kind of ergonomic standard and because there is no protection for them, I find this effort to block OSHA from issuing any kind of rule or protection to be really unconscionable. I find it to be unconscionable because we are talking about people's lives.

Keta Ortiz is a New York City sewing machine operator. I will quote from her testimony, which was at one of the public hearings on OSHA's proposed ergonomic standard.

My name is Keta Ortiz. I was sewing machine operator, a member of UNITE Local 89 for 24 years. I was 52 years old in 1992 when my whole life came crashing down around me.

You know what a cramp is, right? A terrible pain, it lasts a couple of minutes. Imagine you got cramps so powerful and painful they woke you up every night.

My cramps lasted one or two hours, without relief. I woke up with hands frozen like claws and I had to soak them in hot water to be able to move my fingers.

I was awake two or three hours every night, often crying. Exhausted every day. But I had no choice but to work. In the beginning the pain got better on the weekend. Then it didn't.

By the way, Mr. President, I was just saying to a close friend this morning as I read Ms. Ortiz's testimony that having struggled with back pain, my definition of pain is when you can't sleep at night. That is the worst. You get through it during the day, but in the evening you can't sleep because of the pain, and that is real pain.

This agony lasted months, then a year, and then five long years.

There are not words to explain what went through my mind in those hours in the middle of the night. The desperation, the fear that eats at your mind. The terror I felt when I realized I was going to have to stop working and didn't have money to pay the rent.

I thought, ''When will this ever end? How can I support my child? God, why have you abandoned me?''

I worked and worked through the pain, until I couldn't take it any more. Without work I was disoriented, very depressed, empty. I thought, ''I am useless, a vegetable.'' Negative thoughts invaded my mind and took over my days.

Who are these people who oppose an ergonomics standard? Have they ever worked in a factory?

Tell them it took me two and a half years before I saw my first workers' comp check. Tell them the operation I needed was delayed over two years by the insurance company . . . that I lost my and my family's health insurance.

Tell them that after dedicating so many years to my job, I destroyed my hands, damaged my mental health, and sacrificed the joy I felt in living. And I get barely $120 a week in workers' compensation payments.

Now, listening to Ms. Ortiz, I think this is a class issue. I think it is a class issue. I think that if these workers—these women and men like Ms. Ortiz—were sons and daughters, or brothers or sisters, or our mothers and fathers and they were in the upper-income class, or professional class, there would be a hue and cry for an immediate rule to be issued by OSHA to protect them. But they are not the givers, the heavy hitters. This is a reform issue, too. They are not the players. I doubt whether Ms. Ortiz has contributed $500,000 in soft money—to either party, I say to my colleagues, so that I can make it clear this isn't aimed at any one individual Senator. I doubt whether she is maxed out at $2,000 a year in the primary and general election. I doubt whether she is enlisted as somebody who contributes $200 a year. I doubt whether she hires any lobbyist. But I have no doubt that she is a hard-working factory worker whose life has been destroyed.

I have no doubt that we ought to pass this so OSHA should be able to do its work. OSHA should be able to perform its mission of providing protection for workers.

I remember when OSHA legislation first passed in the early 1970s. I remember that there was a book I used to assign to students, I think, by Paul Brodeur, called ''Expendable Americans.'' I think it was about a group of chemical workers who were working and who basically lost their lives because of asbestos, and they struggled with asbestosis and other lung-related diseases. The author's thesis was that these were people who were expendable.

We should not make Ms. Ortiz and other working people expendable. We should pay attention when 1.8 million workers a year struggle because of this kind of disease, MSDs, and 600,000 workers are in real jeopardy, with serious injuries and lost work time. They should not be made expendable.

Janie Jones, UNITE Local 2645, Arkadelphia, AR, poultry plant worker:

Good Morning, my name is Janie Jones. I'm President of Local 2645. I am also a member of the joint Union-Management safety Committee. I work at the Petit Jean Poultry de-boning facility, in Arkadelphia, Arkansas. I've been employed there for 7 years. In 1994, I was diagnosed with Carpal Tunnel Syndrome. At the time of my injury I was de-boning thighs, since then I have been placed on numerous other jobs.

Let me describe a few of my previous jobs for you:

Breast pulling: the birds come down the dis-assembly line, we pull the breast from the bird, removing the skin as we do this. Approximately 9 birds a minute is required of the workers: one every seven seconds.

De-boning the thighs: six people used to do three different cuts to the thigh: arching, opening and de-boning. Now there are only three people doing these three cuts. Also, after the bone is taken from the thigh, a thigh-trimmer inspects and cuts out any bone that may be left. There used to be three people, and now one person cuts out the bone. But the line speed is still 28 per minute.

Now, I load the line. This means picking up the birds from a metal bin to my right and placing them on cone on a conveyor belt to my left. We are required to put 28–32 birds a minute on these cones. These birds are cold, sometimes frozen and they can weigh as much as six pounds. That's about 67,500 pounds that I have to reach and stretch to lift about 2½–5 feet every day.

When an injured worker goes to the nurse with pain and swelling, the nurse will usually treat the worker with a rub and arthritis cream and sends you back to your job. If you keep complaining, she'll also give you a heat pad, and then she'll send you back to your job. Then, if you still keep complaining, she'll do the rub, the heat pad, and send you to a light duty job. Sometimes, management then tells her they need this person on their old job, and she just agrees and they put the worker back on the job that injured them.

When workers are diagnosed with CTS by their own doctors, company will move you to another job which is not as fast-paced. But as soon as the pain gets better, they send you back to your old job, only to get worse again. This goes on until people can't take it anymore, and then they quit.

I say to my colleague from Arkansas that this is not a filibuster and I will be finished in a few minutes. I know he is anxious to speak. I want to put his mind at rest.

Let me give one more example, although if the debate goes on I can give you many, many examples.

This is the testimony of Eugenia Barbosa, Randolph, MA, an assembly line worker. By the way, this is testimony before OSHA during their public hearings when working men and women came and talked about their own lives in the hope that OSHA would be able to perform or fulfill its mission by law of providing some protection, which means issuing an ergonomics standard that can provide people some protection. My colleagues, through this amendment, want to block OSHA from issuing any standard—no standard, no help, no protection.

If you are not working at this kind of job, and you are not the one who is suffering from stress injury, it is easy to

do. But for these workers, these people—I am a Senator from Minnesota and they are a big part of my constituency. They need the protection. That is why this debate is so important. It really is in the words of an old labor song by Florence Reece, wrote it, ''Which Side Are You On?'' This is a classic example.

I am on the side of Keta Ortiz and Janie Jones.

Eugenia Barbosa, Randolph, MA an assembly line worker:

Thank you for giving me this chance to come here today and share my story with all of you. My name is Eugenia Barbosa, an American citizen. I am an Injured Worker.

I came to America from Cape Verde with my family and started working at age 17 to help my mother and father. For the last 28 years of my life, I have worked in a factory that manufactures parts for major car companies. I worked in an assembly line making dashboard switches.

I produced 400 pieces or more per hour. To make the switches I used my thumb and forefinger to press and insert a rocker switch into the housing. To complete the dashboard switches, I assembled an additional piece using three springs, two pins, and plastic caps, also using my thumb and forefinger.

In 1991 I started feeling severe and constant pain in my right wrist. I was sent to the company doctor. I was given a splint and Motrin, and placed on light duty for two weeks. After two weeks I was sent back to my original position with a wristband for my right wrist, which I wore every day.

Between 1991 and 1995, I was in constant pain. When I spoke to management, they told me that they would decide when I was in enough pain to go to the doctor. The pain was so severe that I had to hang my arm while working to relieve some of the pain. I suffered emotionally and physically as the pain continued to get more severe.

That is what this debate is about.

In October 1995 my life changed. The pain was no longer in my right wrist; it was also in my right shoulder, arm, back, and neck. I told management about the pain which was so severe I couldn't even move. I was ignored.

Finally I was sent to the company doctor again. He gave me another splint to be used 24 hours a day, an elbow support and pain medication, and told me to do light modified work with my left hand. He also told me to rest my arm on an arm rest chair while working. The company was supposed to provide me with the arm rest chair but never did.

After 5 weeks I was called into my manager's office and was told it was time to remove my splint and go back to the assembly line. I was in so much pain that I started to cry.

The company put me on incentive work but with only my left hand to make 975 pieces an hour. I asked my manager why. He told me he didn't want to hear any garbage and that I should go back and do my job.

In March 1996 I started having pain in my left wrist, arm, shoulder, back and neck. It became so severe that I was rushed to the Emergency Room. The company doctor said there is nothing wrong with me.

I went to see another doctor who tested me and found that I had severe damage to my rotator cuff, radial nerve, and wrist. Since that time, I have had surgery three times, on my right shoulder, arm, and wrist. I still need surgery on my left shoulder and wrist. After my injury my life has complete changed for myself and for my family, and everyday I must deal with my pain. I am no longer able to work, I am now financially struggling to put my son through college, I'm unable to cook and clean for my family and even combing my hair and taking care of my own personal needs is now very difficult for me.

Their testimony was before an OSHA hearing on this ergonomics standard.

Elizabeth Dole, in 1990, tried to help these workers. We have been at it 10 years. Assistant Secretary Jeffress of OSHA is trying to move forward to issue a rule. They are doing the right thing. This is their mandate. This is what they are supposed to do under the law.

This amendment amounts to blatant political interference to prevent them from doing their job—which is to hold the hearings; which is to have careful deliberation; which is to decide on the final rule. They have not even decided on the final rule, but keep attacking a rule that doesn't exist, a final rule that will be reasonable and sensible but will provide protection to these workers—to these men and women all across the country.

Senators, Democrats and Republicans, there couldn't be a more important issue before us. This is a real clear question of where you stand. I think we ought to stand for these working people. I think we ought to make sure that OSHA can do its job. I think there should be a rule that provides these workers with some protection. That is the right thing to do.

I urge you to oppose this amendment.

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I wish to respond to a few things that my colleague from Minnesota said.

First of all, I mention that my father spent more than 20 years in the poultry plants of Arkansas, Alabama, and Mississippi doing exactly the kind of repetitive motion work that the Senator from Minnesota described. I believe, if my father were on the floor of the Senate today, that he would as vehemently and strongly and vigorously oppose this OSHA draconian power move as much as I am going to oppose it.

Senator WELLSTONE emphasized that it is not yet a final rule and therefore it is premature for us to act. I don't think so. I hardly think it would be prudent on our part to wait until after they enacted the rule, and then come back and try to change it when employers would have already faced the rule that was in place. It is anticipated, as I understand it, that the rule will be finally promulgated by the end of this year. If we are going to act, we must act now.

Again, Senator WELLSTONE said they are not done yet. This is the 600 pages that they are to right now. I am concerned if we wait much longer that it may be 900 pages before the end of the year. This is the time for us to act.

One of the things that I appreciate about my distinguished colleague from Minnesota is that he believes what he is saying, and he doesn't mince words about it. He made it very clear that from his viewpoint this is class warfare. It is those mean, uncaring employers; it is those managers; it is those businesspeople—they just don't care about their employees. Then we have anecdote after anecdote.

That assumption is wrong. I think OSHA will state that does not describe 99.9 percent of the employers in this country. They do care. They have every incentive in the world in caring for those who work for them, ensuring there is a healthy and safe workplace.

Beyond that, we ought to talk about the small business man or woman who are struggling to meet every other regulatory burden that this Government has placed upon them and meet all of the tax burdens we placed upon them, trying to keep their heads above water, trying to make ends meet, trying to provide jobs for their employees, and trying to make a contribution to their community. And a rule such as this will have some of the most dramatic effects upon business and upon the economy of any rule ever promulgated by any agency. What about them?

As Senator ENZI pointed out, what about the senior citizen on Medicare or those senior citizens on Medicaid or those poor people who are on Medicaid and dependent upon them? What will happen to their health care when we tell health care providers they have to meet the new requirement, they have to comply with the new rule?

There is no increase in their budget. There is no change in the reimbursement formulas. You will get what you got before, but now you will have to meet all of the additional burdens.

I suggest those who are going to be hurt the most by this rule are those who are the most vulnerable in our society.

The Enzi amendment would simply prevent OSHA from finalizing an ergonomics program in fiscal year 2001. That is all it does. It gives the National Academy of Sciences the time it deserves to complete its ongoing, taxpayer-funded study and allow the public to then evaluate the merits of the proposal as well as the NAS study.

On Friday, November 19, 1999, Congress adjourned for the year, having completed its work for the 1st session of the 106th Congress. After we left town to return home, OSHA announced the following Monday its new ergonomic proposal. As a member of the Senate authorizing committee and the Subcommittee on Employment Safety and Training, I received no notice, no advance warning, no copy of the proposal—nothing. None of my colleagues

serving on the committee received that same courtesy, either. With Congress heading home, OSHA decided it was in America's best interest to launch the largest regulatory proposal ever to be put forth by an administration. Shotgunning the proposal through its hoops in less than 12 months, OSHA refused to wait for the completion of the $890,000 NAS study, bought and paid for with hard-earned tax dollars.

The Subcommittee on Employment, Safety and Training, chaired by Senator ENZI, reacted as it should have. After weeks of evaluating the impact this proposal would have if actually enforced, we held our first hearing in April, addressing just one of many portions of the OSHA proposal, the work restriction protections, WRP. The WRP provisions would require employers to provide temporary work restrictions up to and including complete removal from work, based either upon their own judgment or on the recommendation of a health care provider. If the employer places work restrictions upon an employee which would allow them to continue to perform some work activities, the employer must provide 100 percent of the employee's after-tax earnings and 100 percent of work benefits for up to 6 months. If the employee is completely removed from work, the employer must still provide 90 percent of the employee's after-tax earnings and 100 percent of benefits for up to 6 months.

The hearing revealed that the WRP provision is a direct violation of section 4b(4) of the 1970 OSH Act. There is no ambiguity in the wording. I have it on this chart.

> Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

This is in reference to the State workers compensation act. When the OSH Act was enacted back in 1970, the clear intent, explicitly stated, was that OSHA was never to impact the State workers compensation laws. Believe me, what they are proposing in this rule would do so entirely. Congress specifically withheld OSHA having that right to supersede or affect those State workers compensation laws. Congress did this because State workers compensation systems are founded upon the principle that employers and employees have both entered into an agreement to give up certain rights in exchange for certain benefits in the area of work-related injury and illnesses. Most often, employers give up most of their legal defenses against liability for the employees' injuries, and the employees give up their right to seek punitive and other types of damages in turn.

The crucial factor that makes State workers compensation systems possible is that the remedies it provides to employees are the exclusive remedies available to them against their employers for work-related injuries and illnesses.

Anyone who served in the State legislature, as Senator ENZI and I have, knows that this is always one of the biggest issues of debate, discussion, and ultimately, hopefully, consensus between labor and management. It has been a workable system. But it is dependent upon that idea that this is the exclusive remedy.

WRP's provisions are in direct contradiction of section 4b(4) and will shake the foundation upon which the State workers systems rests because they will provide another remedy for employees for work-related injuries and illnesses. That is an absolute contradiction of what the OSH Act, establishing this agency, intended in 1970.

Since WRP provisions conflict with workers compensation systems, there will certainly be confusion to say the least as to who is liable. That is precisely why Congress put section 4b(4) in the act 30 years ago. To be sure, I dug deeper and found the conference report filed December 16, 1970, accompanying the act. As it pertains to section 4b(4) it reads:

> The bill does not affect any Federal or State workmen's compensation laws, or the rights, duties, or liabilities of employers and employees under them.

It is clear in the language of the statute as well as in the conference report, that Congress did not intend OSHA to have the power to affect and supersede State workmen's compensation laws. I say to my colleagues, it doesn't get any clearer. How can it be misconstrued by OSHA? And they are simply in violation of the act that established them.

OSHA is not listening to Congress. Frankly, it also is not listening, not paying any attention to what other Federal agencies are saying about their proposal. According to the Small Business Administration, OSHA has grossly underestimated the cost impact of its proposal. The SBA ordered an analysis of OSHA's Data Underlying the Ergonomics Standard and Possible Alternatives Discussed by the SBREFA Panel.

Policy Planning & Evaluation, Incorporated, PPE, prepared the analysis that was issued September 22, 1999. The PPE reported that:

> OSHA's estimates of the costs in its Preliminary Initial Regulatory Flexibility Analysis of the draft proposed ergonomics standard, as furnished to the SBREFA Panel, may be significantly understated, and that OSHA's estimates of the benefits of the proposed standard may be significantly overstated.

This is the conclusion that we find another Federal agency coming to that OSHA has overstated what the benefits will be and they have significantly understated what the costs are going to be. The PPE further reported that OSHA's estimates of capital expenditures on equipment to prevent MSDs—the musculoskeletal disorders—do not account for varying establishment sizes, and seem quite low even for the smallest establishment size category.

The PPE attributed the overstatement of benefits that the rule will provide to the fact that OSHA has not accounted for a potentially dramatic increase in the number of MSDs resulting in days away from work as workers take advantage of the WRP provisions.

OSHA estimated the proposal's cost to be $4.2 billion annually—that is OSHA's best estimate. That is their cost estimate upon the economy and upon American business, $4.2 billion annually. That is not insignificant. But the PPE estimates that the cost of the proposed standard could be anywhere from 2.5 to 15 times higher than OSHA's estimate. That moves the cost from $10.5 billion to as much as $63 billion or higher. That is just one Federal agency versus another. That is the Small Business Administration saying what OSHA is preparing to do is going to cost small business in this country $60 billion or more.

Whom are you going to believe? Are you going to believe OSHA's estimate of a minimal impact? Are you going to believe the Small Business Administration? I don't know, but I don't want to risk the jobs of the American people. I don't want to risk the economy on conflicting opinions by two Federal agencies.

Finally, the PPE report for the Small Business Administration shows that the cost-benefit ratio of this rule may be as much as 10 times higher for small businesses than for large businesses. It is very easy for the other side, the proponents of this drastic, dramatic rule change, to come down and rail against big business. Do they not realize that small businesses, the tiny businesses, the mom and pop operations struggling to exist in this country, are going to be impacted 10 times more than large businesses?

So if you don't care about the impact upon the economy as a whole, if you don't care about the impact upon large employers, then please consider the impact upon those small businesses out there and what they are going to have to pay to try to comply with this ill-advised rule. The cost disparity is not some slight discrepancy. We are talking about $60 billion a year.

Who covers that cost? Who is going to cover the $60-plus billion a year imposed upon the business community of this country? OSHA has an answer. OSHA's answer is: Pass it off on the consumer. Just pass on the cost. That is easy enough. Of course it is inflationary, of course it hurts the economy, but we can solve the problem of

this added cost. Just let the consumer pay.

Senator ENZI has well noted that cannot be done in Medicare. It cannot be done in Medicaid. It cannot be done on those businesses reimbursed by the Federal Government, where their reimbursement is capped. There is nobody to pass the cost to. No bother, OSHA is going to push forward anyway, and that is what they have done.

I have listened to the opponents of the Enzi argument make the case that if this rule is delayed any longer, thousands of additional employees will suffer. Let's be clear, please, colleagues. Let's be clear. With or without this, with or without the 600-page—so far—proposed ergonomics regulation, rule, OSHA can still enforce its current law. The current law states this in the ergonomics proposal, on page 65774. It is on the chart before us. This is it. Let me quote what their proposed rule says. This is under the general duties provision. OSHA says:

> [Every employer] shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and shall comply with the Occupational Safety and Health Standards promulgated under this Act.

This is the general duty provision which OSHA has used widely in enforcing conditions in the workplace that they believe are detrimental to the worker. They already have that tool, and they are not hesitant about using that authority. They don't have to have a new ergonomics proposal. They don't have to have a new ergonomics regulation in order to protect the American worker.

By the way, this is not about whether or not we are going to address ergonomics at some point—we should. But we should do it in the right way. We should do it with due scientific study, based upon good scientific principles. It is not whether or not there is going to be an ergonomic standard. The issue is how it is going to be done and whether it is going to be done in a thoughtful way, respecting not only the worker but the needs of the employer. But I say again, OSHA currently has the authority under this general duty clause, and they can enforce ergonomics violations currently.

According to the proposal:

> OSHA successfully issued over 550 ergonomic citations under the general duty clause.

They even list a number of employers, too. They have the authority, and they are proud of the fact that over 550 times they have issued citations on ergonomics violations under the general duty clause.

The point is, OSHA is not a crippled agency—far from it. It is a full-fledged regulatory agency that has the power to put any business out of business.

This proposal contains serious flaws which just beg the question: Who is really calling the shots as OSHA? This is not the first regulatory blunder to come out of OSHA in recent days. Just last January, they announced their intention to regulate private residences, our homes. Perhaps my distinguished colleague, for whom I have the utmost respect, Senator WELLSTONE, would say whether they are just doing their job in that case?

The American people rightly rose in outrage that OSHA would think they have the authority to go into the American home and regulate it as a workplace. After being publicly ridiculed and repeatedly humiliated, OSHA dropped the issue. They didn't drop it, they said they want to talk about it next year. Good thing, too, since 10 percent of working Americans work from home at least part-time, and their pursuance would have caused a chilling effect on modern technology.

OSHA's home regulation should be mentioned during this debate because many of the hazards OSHA wanted to regulate would be ergonomic-regulated: keyboard height, monitor height, desk height, even the type of chair you might sit in, in your home workplace. The list doesn't stop there. It also includes other potential OSHA violations including the number of outlets, adequate lighting, exit signs, even the bannister height.

Neither OSHA nor the 1970 OSH Act provides any guidance as to how to carry out their responsibilities.

We raised even more questions: Are employers required to ensure that home offices remain clear of toys at all times so employees don't trip and fall? What about an employer's smoking policy? Does that apply to the home, too? Most important, what about liability for employees' accidents in their employees' homes? How could employers possibly monitor this based upon what OSHA was asking?

In that same vein of questions asked in January, we are here again questioning the validity of OSHA's ergonomics proposal: What statutory right does OSHA have to regulate State workers compensation?

Senator WELLSTONE says they are just doing their job. There is no doubt what they have proposed will impact State workers compensation law in violation of the 1970 OSH Act. What reason does OSHA give to why its WRP compensation package would not encourage fraud and abuse? Who would oversee fraud if it did occur? What about the cost estimates posed by another Federal agency, the Small Business Administration?

Again, it is not about how much we are willing to pay for an employee's safety but, rather, one agency's estimates being 15 times higher than another's, and then OSHA saying we have enough information, we have a solid basis to move forward.

Why are we funding the Small Business Administration if we are going to absolutely ignore their cost estimate in an area they ought to be experts? That is, experts on small business. They say it is 15 times higher than what OSHA says. If OSHA is going to shotgun an ergonomics proposal through the rulemaking process, at least I say they should do it right.

So I say to OSHA, put your love of regulating on hold and listen to what America is saying. You have 7,000 public comments submitted. Consider them all, not just a few that happen to support the agenda you seem to be pursuing.

Is it a love of regulating? This is a quote I think Senator ENZI used earlier. It is by Marthe Kent, who is the director of safety standards, the leader of OSHA's ergonomics effort, recently quoted in the Synergist magazine of May 2000. This is what was said:

> I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So long as I am regulating, I'm happy.

That is one person's statement, though they are deeply involved in the ergonomics issue and the drafting of the ergonomics rule. But I think that might well reflect the way a lot of regulators feel.

So, concluding my comments, I just believe there is something much deeper at stake here, a very genuine and real philosophical difference.

Senator WELLSTONE believes, and those on the other side who support this rule believe, OSHA is just doing their job, and I believe we need to do our job. OSHA was not elected by the people, we were.

Not a day goes by that I do not have constituents in Arkansas call our office and complain about some regulatory agency that has gone afield, that has gone off on their own agenda.

Thomas Jefferson well recognized that the great threat to freedom of any individual comes when power becomes concentrated. Concentration of power, whether in the private sector, public sector, in a regulatory agency, in a corporation, if there is enough power accumulated in a single place, it threatens the individual's liberty.

I believe regulatory agencies today have become a fourth branch of Government unto themselves, unresponsive to what we say, unresponsive to what we do, until we are forced into a position of having only one tool left, and that is to cut off the funding for the implementation of the rule. That is what Senator ENZI has sought to do. That is why I think, on a bipartisan basis, so many realize this step is necessary.

I say to Chairman ENZI of the Senate Subcommittee on Employment Safety and Training that I appreciate his dedication to worker safety—no one doubts it—and for taking the high road when dealing with such highly contentious

issues. And he has. Nobody told me when I joined his subcommittee that these issues were going to be easy. They have not been. But that is no reason for us to avoid asking the tough questions and, when necessary, taking the tough votes.

Until we get the answers—and OSHA does not have them now—until we get the answers to these tough questions, I ask my colleagues to take a hard, hard look at this ill-advised proposal. Look through it. It may take a week or two, but look through it, and you may understand why the Enzi amendment is so essential.

I ask my colleagues on both sides of the aisle to simply postpone, delay OSHA moving forward in this fiscal year with an ergonomics proposal that is going to dramatically impact the economy of the United States, I believe, and negatively impact the safety and the health of senior citizens on Medicare and Medicaid. Delay it by supporting the Enzi amendment. Allow the NAS the time necessary to complete their study and then maybe move forward with a good ergonomics rule to protect the workplace for American workers on the basis of sound science.

I thank the Chair, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Wyoming. This amendment would prevent the Occupational Safety and Health Administration (OSHA) from issuing ergonomic standards to protect workers from back injuries, carpal tunnel syndrome and other work-related musculoskeletal disorders (MSDs)

MSDs caused by ergonomic hazards are the most widespread safety and health problem in the workplace today. Every year 1.8 million workers suffer as a result of work-related MSDs bone or muscle disorders and one-third of those workers lose work time as result of these disorders.

These injuries are a burden on workers, and they are a burden on the economy. These injuries result in $20 billion per year in workers' compensation claims. OSHAs proposed ergonomic regulations would cut in half the cost of workers' compensation claims.

Ergonomic programs have slashed costs for businesses throughout California.

In 1997, Sun Microsystems average MSD disability claim dropped to $3,500, from $55,000, in 1993.

The Vale Health Care Center, in San Pablo, California, reduced the number of back injuries from ten per year to one per year.

The Fresno Bee, three years after establishing an ergonomics program, reduced workers' compensation costs by over 95 percent, and associated lost workdays and surgeries were eliminated.

Xandex, in Pentaluma, California; Silicon Graphics, in Mountain View, California; Rohm and Haas, in Hayward, Califoria; Blue Cross of California; Varin Associates, a California electronics manufacturing business, the city of San Jose, Pacific Bell, FMC Defense Systems Corporation, AT&T Global Information Systems, in San Diego, and Intel, in Santa Clara, California, have all implemented successful ergonomics programs.

Ergonomic standards have been studied ad nauseam.

There are more than 2,000 published studies on MSDs, and the scientific evidence strongly supports the conclusion that ergonomics programs can and do reduce MSDs.

In 1991, Secretary of Labor Elizabeth Dole believed there was sufficient scientific evidence that ergonomic injuries were a major problem in the workplace, and she committed the Labor Department to address the issue.

In 1991, Secretary of Labor Lynn Martin committed the Department of Labor to develop and issue a standard using normal rule-making procedures.

In 1998, at the request of the Representatives Livingston and BONILLA, the National Academy of Sciences (NAS) received a $490,000 grant to conduct a literature review of MSDs. Later in 1998, NAS released its findings. It concluded that ''research clearly demonstrates that specific interventions can reduce the reported rates of musculoskeletal disorders for workers who perform high-risk tasks.'' In other words, workplace ergonomic factors cause MSDs, but specific interventions can reduce the number of cases.

Congress then appropriated another $890,000 for another NAS literature review on workplace-related MSDs. This study will be completed early next year.

If the results are the same as the previous study, and I assume they will be, we should not prevent the Department of Labor from issuing ergonomic standards.

Ergonomic programs have proven to be effective in reducing motion injuries and other MSDs, and suggest that OSHA must be permitted to go forward with sensible regulations to ensure a safe workplace.

The problem is real, but it is a problem we can fix, and we can save businesses billions of dollars in workers' compensation claims by doing so.

I strongly urge my colleagues to help improve workplace safety by joining me in opposing this amendment.

Mr. KERRY. Mr. President, I would like to spend a few minutes today talking about the importance of the Department of Labor's ergonomics regulation, which seeks to protect the health and safety of American workers. I'd like to urge my colleagues to vote against the amendment proposed by Senator ENZI that would prevent the Department of Labor's Occupational Safety and Health Administration from issuing any standard or regulation addressing ergonomics concerns in the workplace.

Mr. President, let's be very clear about the issue before us, about the ergonomics issue, about employer health and safety, about the number of people nationwide—600,000 each year—that suffer from musculoskeletal injuries. In my state of Massachusetts, last year nearly 21,000 workers suffered serious injuries from repetitive motion and overexertion. Mr. President, if this amendment were to be passed by this body, then hundreds of thousands of people will continue to needlessly suffer on the job. The solution to this problem is NOT doing nothing, Mr. President, and that is what the Enzi amendment purports to do. Ergonomics injuries are real. They are prevalent in the workplace. And we must respond to this treacherous workplace hazard.

Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of the working population. Mr. President, the scientific community understands that effective and successful ergonomics programs assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the workforce. Ergonomics disorders include sprains and strains, which affect the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs; repetitive stress injuries, that are typically not the result of any instantaneous or acute event, but are usually chronic in nature, and precipitated by poorly designed work environments; and carpal tunnel syndrome.

Many businesses, both large and small, have already responded to the threat of ergonomics injuries in the workplace. Mr. President, when businesses ensure that their workplaces are safe and protect workers from these types of injuries, their productivity rises! When workers are healthy, employers lose far fewer hours in productivity. Last year Assistant Secretary of Labor Charles Jeffress testified before the House Committee on Small Business and he reported that programs implemented by individual employers reduce total job-related injuries and illnesses by an average of 45 percent and lost work time and illnesses by an average of 75 percent. Mr. President, these numbers mean something, they indicate results, and they prove that making the workplace safe is crucial to increasing worker safety. But let me explain what these numbers really mean.

Beth Piknik is a registered nurse at the Cape Cod hospital. Ms. Piknik's 21-year career as an intensive care unit nurse was cut short due to a preventable back injury. On February 17, 1992, she suffered a back injury while assisting a patient. The injury required major surgery—spinal fusion—and two years of major rehabilitation before

and after surgery. The injury was devastating to Ms. Piknik, both professionally and personally. Prior to her injury, Beth led a very active life, enjoying competitive racquetball, waterskiing, and white-water rafting. But most importantly, she enjoyed her work as an ICU nurse, which had been her career since 1971. The loss of her ability to take care of patients led to a clinical depression, which lasted four and a half years. She now administers TB tests to employees at the hospital. Her ability to take care of patients—the reason she became a nurse—is gone. Ms. Piknik's injury could have been prevented and so can the crippling injuries suffered by hundreds of thousands of workers every year.

In fact, many employers have already taken action and put into place workplace ergonomics programs to prevent these injuries. For example, the Crane Paper Company in Massachusetts had a serious problem with ergonomics injuries. In 1990, they put in place an ergonomics program to identify and control hazards, to train workers and provide medical management to intervene before workers developed serious injuries. These efforts paid off. Within 3 years of starting their ergonomics programs, Crane reduced their ergonomic injury rate by more than 40 percent.

Mr. President, the Department of Labor took public comments on the proposed ergonomics regulation through 90 days of written comments and nine weeks of public hearings. During the hearings, OSHA heard from hundreds of workers and local union members and representatives from eighteen international unions. These workers and union members—who represent all sectors of the economy including auto workers, nurses and nurses aides, poultry workers, teachers and teachers aides, cashiers, office workers—told OSHA why an ergonomics standard is desperately needed and how ergonomics programs in their workplaces have worked to prevent injuries. I would like to share with my colleagues a couple of statements from some of the workers from my state of Massachusetts who appeared at the hearings.

This is what Nancy Foley, who is a journalist from South Hadley, MA, had to say at one of the hearings. ''I am here today to strongly support an ergonomic standard. I suffer from serious injuries caused by a repetitive job. I want to see the ergonomics standard enacted so that others will not be injured as I have been. In 1988 I earned a masters degree in journalism from the University of Wisconsin-Madison. Most of my career was spent at the Union-News in Springfield, Massachusetts. As a reporter, I spent four to five hours a day typing on a computer keyboard. In 1993, I began having pain in my neck and weakness in my hands. I did not seek medical attention until 1995 when the pain had spread into my left shoulder and left arm, making it difficult for me to sit through the workday. Fear prevented me from seeking medical attention sooner. I was a part-time reporter, and I was afraid I would never be made full-time if my employer knew the job was hurting me. Even after seeking medical attention, I was afraid to go out of work to recover from the injuries. I thought that taking time out of work would hurt my career. In October 1998, I went out of work altogether and was never able to return. I settled my workers' compensation case in 1999, with the insurance company taking responsibility for my injuries and continuing medical payments. I have been diagnosed with repetitive strain injury, carpal tunnel syndrome, cervical strain, thoracic outlet syndrome, and medial epicondylitis. By the time I left the newspaper I was so severely injured, that my recovery has been very slow. I may never fully recover. I live with chronic pain every day. Sitting still triggers pain. I have trouble carrying groceries into my house and doing simple housekeeping tasks. I am trying to retrain to be a schoolteacher, but my injuries make the retraining difficult. I do my school work by lying in bed and talking into a voice-activated computer. That is the way I wrote this statement.''

Mr. President, these are the real voices, the real people, the reality behind the 600,000 injuries. Unfortunately, gauging from the debate so far today my colleagues on the other side of the aisle seem uninterested in talking about how devastating musculoskeletal injuries are. They are content to lambaste the Department of Labor and OSHA. They are content to nitpick at the rulemaking process, Mr. President, because they are incapable of refuting the proposed rule on its merit. They cannot deny that 600,000 a year suffer from musculoskeletal injuries. They cannot deny that workplaces that have adopted good ergonomics policies have increased productivity.

Let's be clear about this Mr. President. These types of injuries are a real problem for American businesses and workers. Industry experts have estimated that injuries and illnesses caused by ergonomics hazards are the biggest job safety problem in the workplace today. The 600,000 workers who suffer from back injuries, tendinitis, and other ergonomics disorders cost over $20 billion annually in worker compensation.

What is most troubling to me, Mr. President, is that these types of injuries are preventable. Something can be done to protect the American worker. In drafting this proposed rule OSHA worked extensively with a number of stakeholders, including representatives from industry, labor, safety, and health organizations, State governments, trade associations, and insurance companies. OSHA is currently in the process of holding stakeholder meetings on the draft rule for all interested parties. These comments are made part of the rulemaking record and OSHA is required to review these comments as the final rule is prepared. Just a few months ago, OSHA's small business liaison met with small business representatives in an open roundtable format. Mr. President, this is not a ''command and control'' regulatory action.

Mr. President, this proposed rule has been criticized by those on the other side of the aisle as unfair, unnecessary, and prohibitively costly for businesses. I disagree. The proposed rule is drafted as an interactive approach between employee and manager to protect the assets of the company in ways that are either already being done, or should be done under existing rules. This new rule is a guide and a tool, not an inflexible mandate.

The rule is a flexible standard that allows employers to tailor their programs to their individual workplaces. Small employers are not expected to have the same kind of program as big employers. The proposed rule exempts small businesses from record keeping requirements, so it does not add to small businesses paperwork burdens. Moreover, OSHA is reaching out to small businesses to provide them information on how to control ergonomics hazards through meetings and conferences and by providing on-site compliance assistance.

According to the Department of Labor, thirty-two states have some form of safety and health program. Four states (Alaska, California, Hawaii, and Washington) have mandated comprehensive programs that have core elements similar to those in OSHA's draft proposal. In these four states, injury and illness rates fell by nearly 18 percent over the five years after implementation, in comparison with national rates over the same period. We are not talking about something that has come out of the blue—ergonomics programs are creating positive results for workers all over the country.

Mr. President, in spite of the arguments for the Enzi amendment, there bulk of the science and the research proves that an ergonomic standard is needed in the American workplace.

The National Academy of Sciences has compiled a report entitled Work-Related Musculoskeletal Disorders. This report summarized 6,000 scientific studies on ergonomics-related injuries and concluded that the current state of science reveals that workers exposed to ergonomic hazards have a higher level of pain, injury and disability, that there is a biological basis for these injuries, and that there exist today interventions to prevent these injuries.

In 1997, the National Institute for Occupational Safety and Health completed a critical review of epidemiologic evidence for work-related musculoskeletal disorders of the neck, upper extremity, and lower back. This critical review of 600 studies culled from a bibliographic database of more than 2,000 found that there is substantial evidence for a causal relationship between physical work factors and musculoskeletal disorders.

Furthermore, Mr. President, we are not talking about a new phenomenon, or the latest fad. Ten years ago in 1990 under a Republican President, Secretary of Labor Elizabeth Dole committed the Department of Labor to begin working on an ergonomics standard. Then-Secretary Dole was responding to a growing body of evidence that showed that repetitive stress disorders, such as carpal tunnel syndrome, were the fastest growing category of occupational illnesses. This rulemaking has been almost ten years in the making. Mr. President, it is time to put safeguards in place for the American worker, and this should not be a partisan issue.

This rule has been delayed for far too long. In 1996, the Senate and the House agreed to language in an appropriations conference report that would prevent OSHA from developing an ergonomics standard in FY 1997. In 1997, Congress prevented OSHA from spending any of its FY 1998 budget on promulgating an ergonomics standard. Last year, money in the FY 1999 budget was set aside for the new National Academy of Sciences study, and the then-Chairman and Ranking Members of the House Appropriations Committee sent a letter to Secretary of Labor Alexis Herman, stating that this study ''was not intended to block or delay OSHA from moving forward with its ergonomics standard.''

Mr. President, we should wait no longer for this standard to be proposed and we should certainly not prevent OSHA from issuing its final ergonomics rule. Workers should not have to wait any longer for safety on the job. The time to protect the American workplace is now.

This standard is a win-win for workers and management: the greater the safety workers have on the job, the more time they spend on the job. The more time they spend on the job, the more productive the workplace. And it is obvious, but it bears restating, that the more productive the workplace, the more productive this country. Workers want to be at work, and their bosses want them at work.

It's been 10 years, Mr. President, since Secretary Dole promised to take action to protect workers from ergonomics injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered from serious injuries as a result of ergonomics hazards—injuries that could have and should have been prevented. Workers have waited too long for protections from ergonomics hazards. It's time to stop breaking the promises made to American workers and to support the promulgation of a final OSHA ergonomics standard not to protect workers.

Mrs. MURRAY. Mr. President, I strongly oppose this amendment.

We should be reducing the hazards that America's workers face—not putting roadblocks in the way of increased worker safety.

Ergonomic injuries are the single-largest occupational health crisis faced by men and women in our work force today.

We should let OSHA—the Occupational Safety and Health Administration—issue an ergonomics standard.

Ergonomic injuries hurt America's workers and America's productivity.

Each year, more than 600,000 private sector workers in America are forced to miss time from work because of painful musculoskeletal disorders (MSDs).

These injuries also hurt America's companies because these disorders can cause workers to miss three full weeks of work or more.

Employers pay more than $20 billion annually in workers' compensation benefits due to MSDs and up to $60 billion in lost productivity, disability benefits and other associated costs.

The impact of MSDs on women workers is especially serious.

While women make up 46% of the total workforce and only make up 33% of total injured workers, they receive 63% of all lost work time from ergonomic injuries and 69% of lost work time because of carpal tunnel syndrome.

In addition, women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome.

Women suffer more than 90% of the MSDs among nurses, nurse aides, health care aides and sewing machine operators.

Women also account for 91% of the carpal tunnel cases that occur among cashiers.

Despite the overwhelming financial and physical impact of MSDs and the disproportionate impact they have on our nation's women, there have been several efforts over the years to prevent OSHA from issuing an ergonomics standard.

This amendment is intended to stop OSHA from implementing its ergonomic standard, which is scheduled to take place by the end of this year. We have examined the merits of this rule over and over again.

Contrary to what those on the other side of this issue say, the science and data support the need for an ergonomics standard.

We shouldn't be placing roadblocks in the way of its implementation.

The National Institute for Occupational Safety and Health (NIOSH) studied ergonomics and concluded that there is ''clear and compelling evidence'' that MSDs are caused by work and can be reduced and prevented through workplace interventions.

The American College of Occupational and Environmental Medicine, the world's largest occupational medical society, agreed with NIOSH and saw no reason to delay implementation. The studies and science are conclusive.

Mr. President, the states are getting this right.

My state—the state of Washington—just one month ago became the second state along with California to adopt an ergonomics rule.

The rule will help employers in my state reduce workplace hazards that cripple and injure more than 50,000 Washington workers a year at a cost of more than $411 million a year.

The estimated benefits to employers from reducing these hazards are $340 million per year, with the estimated costs of compliance of only $80.4 million per year.

Now Washington and California both have ergonomic standards. North Carolina proposed an ergonomics standard and I understand that other states are also looking into the possibility of developing their own standards to benefit their workers.

We should take the cue from my state and others who have seen the wisdom of issuing ergonomics standards.

We cannot afford to delay an important standard which will greatly improve workplace safety.

Outside of ergonomics, I want to make one general statement about another provision of the underlying bill.

The Senate bill underfunds the Dislocated Worker programs by some $181 million dollars, and it underfunds vital re-employment services by $25 million.

This will mean that 100,000 dislocated workers will be denied training, job search and re-employment services.

In addition, the cuts in re-employment services would effectively deny 111,000 people seeking unemployment insurance from getting other vital re-employment services.

Last year these programs were very helpful to workers in my state who were laid off through no cause of their own.

For example, the Boeing company, the largest employer in my state, has been especially hard-hit by the trade consequences of overseas competition from Airbus. Thousands of workers have been laid off in the past few years.

Those workers who were laid off have been receiving benefits from these programs, and I think it's irresponsible to abandon these workers who were laid off through no fault of their own. We

owe it to the workers of America to fully-fund those programs that benefit them and their families.

I urge my colleagues to correct this funding problem so these workers aren't left behind.

In closing, I urge my colleagues to oppose this amendment.

We should allow OSHA to issue an ergonomics standard.

It will be an important step forward in protecting our nation's workers from crippling injuries.

Mr. AKAKA. Mr. President, in 1970, Congress established the Occupational Safety and Health Administration (OSHA), to ''assure so far as possible every working man and woman in the Nation safe and healthful working conditions.'' Therefore, OSHA is responsible for ensuring that both employers and employees have access to the necessary training, resources, and support systems to eliminate workplace injuries, illnesses, and deaths. To achieve a safe and healthy workplace, OSHA must be pro-active in identifying workplace safety and health problems.

We, in Congress, must not forget our commitment to America's workers. That is why I am here today to speak on behalf of OSHA's effort to establish ergonomic standards.

Each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome, and tendinitis, as a result of ergonomic hazards. Last year, in my State of Hawaii, more than 4,400 private sector workers suffered serious injuries from ergonomic hazards at work. Another 700 workers in the public sector suffered such injuries. These injuries are a major problem not only in the State of Hawaii, but across the nation. It affects not just truck drivers and assembly line workers, but also nurses and computer users. Every sector of the economy is affected by this problem. The impact can be devastating for workers who suffer from these injuries.

It is important to note that ergonomics is not new. It has been around as early as World War II, where the designers of our small plane cockpits took into consideration the placement of cockpit controls for our pilots. And, for OSHA this matter is also not new. OSHA has been working on ergonomic standards for 10 years, of which, for the last five years, OSHA has been delayed from finalizing any ergonomic standard. Opponents of a standard have either prohibited OSHA from issuing its standard or delayed its work until such time as the National Institute for Occupational Safety and Health (NIOSH) and the National Academy of Sciences (NAS) can complete their studies and report to Congress. Although NIOSH and NAS completed their reports and both indicated that there was credible research showing a consistent relationship between musculoskeletal disorders and certain physical factors, critics were not satisfied and requested another NAS report in 1998; yet another delaying tactic.

It is unfortunate that OSHA has been prevented from issuing any ergonomic standard for the past five years. It is important to note that some of these delays were part of agreements and promises made to proponents for accepting some of these requests. As we see now, the promises made have been broken. More specifically, in 1997, the leadership of the Appropriations Committee in the House agreed that the coming fiscal year would be the last time in which OSHA would be prohibited from spending any of its funds on issuing proposed ergonomic standards, and again, in 1998, House Appropriations Chair ROBERT LIVINGSTON and Ranking Member DAVID OBEY sent a letter to Secretary of Labor Alexis Herman that stated, ''it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.'' However, in 1999, legislation was introduced (H.R. 987 and S. 1070) to block OSHA's ergonomic standards, and the House Appropriations Committee adopted a rider that would shut down the rulemaking process and block OSHA's final rule.

American workers cannot afford any more delays. Injuries that result from ergonomic hazards are serious, disabling, and costly. Carpal tunnel syndrome results in workers losing more time from their jobs than any other type of injury. It is estimated that these injuries account for an estimated $20 billion annually in workers compensation.

The most compelling reason to allow OSHA to complete this process is that these injuries and illnesses can be prevented. In fact, some employers across the country have already taken action and put in place workplace ergonomics programs to prevent injuries. However, two-thirds of employers still do not have adequate ergonomic programs in place.

It has been 10 years since Labor Secretary Elizabeth Dole promised to take action to protect workers from ergonomic injuries and to issue an ergonomics standard. Since that time, more than 6.1 million workers have suffered serious injuries as a result of ergonomic hazards. OSHA's proposed rule would prevent 300,000 injuries each year and save $9 billion in workers' compensation and related costs. It is time for Congress to remember the commitment made to the nation's workforce when it established OSHA in 1970, and allow OSHA to continue its issuing of an ergonomics standard.

Mr. JEFFORDS. Mr. President, I rise to make a statement for myself as well as Senator EDWARD KENNEDY, Ranking Member of the Health, Education, Labor and Pensions (HELP) Committee; Senator SUSAN COLLINS; Senator CHRISTOPHER DODD; Senator OLYMPIA SNOWE; Senator DANIEL PATRICK MOYNIHAN; Senator CARL LEVIN; Senator CHARLES SCHUMER; Senator PAUL WELLSTONE; and Senator PATRICK LEAHY.

First, we would like to take this opportunity to commend the hard work and dedication of Senator ARLEN SPECTER. As Chairman of the Labor-HHS Appropriations Committee, he has the formidable task of crafting legislation which funds many of the programs under the jurisdiction of the HELP Committee, which I chair. This year's bill, like many in recent memory, has proven challenging for Chairman SPECTER and Ranking Member TOM HARKIN, and they have done their best to deliver a fair bill.

There is no doubt; funding is tight. However, we would like to make a plea to appropriators as they put the finishing touches on the Labor-HHS Appropriations bill.

This year, 46 Senators signed a letter in support of the Low Income Home Energy Assistance Program (LIHEAP). Specifically, we asked for $1.4 billion in regular LIHEAP funding, along with $300 million in emergency funding. In addition, we urged $1.5 billion in advance LIHEAP funding for fiscal year 2002. While funding was not as much as we had hoped for in FY2001, our concern centers around the lack of advance FY2002 LIHEAP funding.

As you know, the importance of LIHEAP funding has been demonstrated this past year as many states have faced extreme temperatures and high fuel costs. The clear need for timely energy assistance in the form of consistent regular LIHEAP funding has been demonstrated. For planning purposes, the states have come to rely on the knowledge that our advance funding mark provides them. An advance appropriation allows for orderly planning of programs, as well as creating administrative systems for more efficient program management.

Advance appropriations for LIHEAP has been an effective tool that allows states to determine eligibility, establish the size of the benefits, determine the parameters of the crisis programs and enable the states to properly budget for staffing needs. In addition, states need an idea of the anticipated program's size in order to effectively meet their obligations under the law.

In conclusion, we appreciate the difficult work facing the Appropriations Committee. However, we feel strongly that this advance funding allocation is a critical tool in assisting our states to have the most effective LIHEAP programs possible, and we look forward to working with Chairman SPECTER to restore this funding in conference.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, the bill the Senate is considering today addresses some of the nation's most pressing problems and is very important to my state, the largest state in

the nation, with a population of 34 million people.

California's schools face huge challenges—low test scores, crowded classrooms, teacher shortages, booming enrollments, decrepit buildings.

California has 5.8 million students, more students than 36 states have in total population and one of the highest projected enrollments in the US.

California has 40 percent of the nation's immigrants; we have 50 languages in some schools.

Many of California's students have low test scores and are taught by uncredentialed teachers.

At the college level, the University of California has the most diverse student body in the US. Federal programs provide nearly 55 percent of all student financial aid funding that UC students received. Our colleges and universities are facing ''Tidal Wave II,'' the demographic bulge created by children of the baby boomers who will inundate California's colleges and universities between 2000 and 2010 because the number of high school graduates will jump by 30 percent.

Our needs are huge.

I am pleased that the bill before us increases education by $4.6 billion over last year. The federal share of elementary-secondary education funding has declined from 14 percent in 1980 to 6 percent in 1999.

Devoting more resources to education is critical in my state. On May 17, the American Civil Liberties Union filed a suit against the California Department of Education charging that many of our students do not have the bare essentials for getting an education, basics like textbooks, school supplies, libraries, computers, and credentialed teachers. In some classes, there are not enough seats or desks, the air conditioning and heating systems are broken and the roofs leak. I do not know what the outcome of this suit will be, but it is certainly a sad commentary on the state of our schools.

Clearly, we need to do more and this bill makes a start.

The bill increases the Title I program, the program for disadvantaged students, by $278 million. I am grateful that the committee included two of my requests relating to what is called the ''hold harmless'' provision.

In 1994, Congress put in the law a requirement that the Department of Education annually update the number of poor children so that the allocation of funds would truly reflect the most recent count of poor children. This is a very important provision to growing states like mine. However, despite my opposition, the hold harmless provision has been included in the last three annual appropriations bills and this bill today, effectively overriding the census update requirement and locking in historic funding amounts for states despite the change in the number of poor children.

Secretary Riley said—I wholeheartedly agree—that ''a basic principle in targeting should be to drive funds to where the poor children are, not to where they were a decade ago.'' Because of the hold harmless, my state has lost over $120 million since 1998 and I am disappointed that my efforts to totally eliminate it were not successful. Nevertheless, I appreciate the inclusion of two provisions: (1) a provision that says that the Department of Education cannot apply the Title I ''hold harmless'' to other programs that use the Title I formula in whole or in part; and (2) a provision clarifying that the ''hold harmless'' will not apply to any ''new'' funds, funds exceeding the FY 2000 level. These are steps forward.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many studies have confirmed the significance of bringing positive influences to early brain development. But we know that poor children disproportionately start school behind their peers. They are less likely to be able to count or to recite the alphabet.

Providing low-income children with access to programs that encourage cognitive learning and prepare them to enter school ready to learn is important. Head Start has the potential to reach every low-income child, to help every eligible child learn in the preschool years.

The addition of $1 billion in this bill for Head Start could enroll 1 million more children by 2002, a 19 percent increase over last year. This is good first step. Nationwide, only 42 percent of eligible children participate in the Head Start program. I would like to see 100 percent of all eligible children enrolled. I think we can do it. California has 764,462 poor children age 5 and under in poverty, but we are only serving 13 percent of eligible children. We must do better.

The Rand Corporation has found that for every dollar invested in early childhood learning programs, taxpayers save between $4 and $7 later by reducing the need for alcohol and drug treatment programs, special education programs, mental health services, and the likelihood of incarceration. The proposed $1 billion increase is a good step to ensuring that every child gets a head start.

I firmly believe, however, that we must do more with the proposed $1 billion increase than merely enroll more children in the program. We must continue to improve the Head Start program such that children leave the program able to count to ten, to recognize sizes and colors, and can begin to recite the alphabet, to name a few indicators of cognitive learning. We must also continue to raise the standards and pay of Head Start teachers.

We also need to recruit qualified Head Start teachers who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum. Having qualified teachers is a critical way to jump-start cognitive learning and ensure that our youngsters start elementary school ready to learn.

I am disappointed that the bill ''flat funds'' (provides no increases) for helping newly immigrant children. Appropriations were $150 million in 1998, $150 million in 1999, and $150 million in 2000 and in this bill.

California receives $180.00 for each eligible immigrant child which hardly begins to address the needs these children bring to the classroom. These are the most at-risk of all children. They speak another language; their schooling has been interrupted and they have huge adjustment challenges. We can do better.

It is disappointing that the bill does not specifically include the President's initiatives on school construction and class size reduction. These are long overdue.

The bill does include in the Title VI block grant $2.7 billion that local districts can use to reduce class sizes and/or to build schools. This will help my state. California will need 300,000 new teachers by 2010. Eleven percent or 30,000 of our 285,000 teachers are on emergency credentials. For school construction, modernization and deferred maintenance, California needs $16.5 billion by 2004. Two million California children go to school today in 86,000 portable classrooms.

California started reducing class sizes in grades K–3 in the 1996–1997 school year. We had then and we still have some of the largest class sizes in the country. And every parent knows that the smaller the class the more individualized attention students receive and the more effective the teacher can be.

I am pleased to see the increase of $817 million for the Child Care and Development Block Grant. Quality, affordable child care helps keep low-income working parents employed and off welfare. The increase in child care funds will help increase the number of available child care ''slots'' and improve the quality of this care.

Health care is another important concern of Californians that is addressed in this bill in several ways.

The California health care system is on the brink of collapse. In my state, 38 hospitals have closed since 1996 and 15 percent more may close by 2005. Over half my state's hospitals are losing money. Seismic safety requirements add more cost strains.

We have an uninsured rate of 24 percent (7.3 million people), far above the

national rate of 18 percent. Despite a thriving economy, the number of Californians without health insurance grows by 50,000 per month.

California has the second highest incidence of HIV/AIDS in the US. While the AIDS death rate has declined, it is still too high; 40,000 new infections develop each year. In California, 100,000 people are living with HIV/AIDS.

California ranks 37th overall among states having children immunized by the age of 18 to 24 months.

For NIH, with a 15 percent increase or $2.7 billion, this bill will keep us on the path toward doubling NIH over five years. Even though Congress has given NIH generous increases in the last two years, NIH in 2000 can only fund 31 percent of grant proposals.

Investing in biomedical research has given us longer lives, healthier lives, and cures and new treatments and insights into diseases ranging from asthma to Alzheimers. This is an area of governmental activity that Americans overwhelmingly support. Fifty-five percent of Californians said they would pay more in taxes for more medical research.

This bill increases cancer funding by almost $500 million, raising the National Cancer Institute to $3.8 billion. Dr. Richard Klausner, Director of NCI, indicated during the Subcommittee's hearing on funding for NIH that in order to fund all the meritorious grant applicants NCI would need a 20 percent increase in funding. I am hopeful that the increase in this bill will bring us closer to a cure and will give us the tools to better treat the 1.2 million Americans that will face cancer this year.

While the National Cancer Institute is making great strides in understanding cancer and how to treat cancer, cancer is still the second leading cause of death for all Americans, meaning that one of every four people dies of cancer. Fifty percent of Americans have had someone close them die from cancer.

There are 1.2 million new cases each year. Over 552,000 Americans will die from cancer this year. Because of the aging of our population, the incidence of cancer will continue to grow and reach staggering proportions by 2010, with a 29 percent increase in incidence and a 25 percent increase in deaths, at a cost of over $200 billion per year. The cancer burden will balloon especially in the next 10 to 25 years as the country's demographics change.

Why invest more in cancer research? The Cancer March Research Task Force said we could reduce cancer deaths from 25 to 40 percent over the next 20 year period, saving 150,000 to 225,000 lives each year. Other areas that could be enhanced are bringing new cancer drugs from the laboratory to clinical trials; continuing to identify genes involved in cancer; improving our understanding of the interaction between genes and environmental exposures; finding new ways to detect cancers earlier when they are small, not invasive and more easily treated.

We must also improve participation in cancer clinical trials. Medicare beneficiaries account for more than 50 percent of all cancer diagnoses and 60 percent of all cancer deaths, but only three to four percent participate in clinical trials. Hopefully, with the increases in this bill, NIH can improve recruitment into clinical trials to advance science toward more cures.

I am disappointed that the bill moves FY 1998 funds for the Children's Health Insurance Program to 2003. Unfortunately, 37 states, including mine, have not been able to enroll children as quickly as they had hope and have not used all the funds we provided. Without this bill, California's unspent CHIP funds would be redistributed to other states. Under this bill, states will have until October 1 to spend their 1998 CHIP funds and funds allotted to my state to insure children will not go to other states, as they would without this bill.

We must do more to ensure that all children are fully-immunized by the age of 2. While the bill has $524 million for CDC's program, a 14 percent increase over last year, it falls $75 million short of providing the resources necessary to conduct adequate community outreach in under-served areas, parental and provider education about new vaccines, and the development and operation of state-based immunization registries, and $10 million short of providing adequate funding for the purchase of vaccines.

Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? My State ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized.

Every parent knows that vaccines are fundamental to a child's good health. However, some families do not have access to vaccines through health insurance. Congress must make certain there is adequate funding for immunization programs so that all children are immunized against disease.

The bill increases funds for the Ryan White CARE Act by $55 million, for a total of $1.6 billion. This is important to thousands of Americans with HIV/AIDS. Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS. People who would not otherwise have access to care are able to receive medical care, drugs, and support services.

The CARE Act is particularly important to communities of color. AIDS is the leading cause of death among African American men and the second leading cause of death among African American women between the ages of 25 and 44. By comparison, AIDS is the fifth leading cause of death among all Americans in this age group.

A disproportionate number of African Americans and Hispanic/Latinos are also living with AIDS. Whereas African Americans represent only 13 percent of the total U.S. population, they represent 36 percent of reported AIDS cases. Likewise, Latinos represent 9 percent of the population but 17 percent all of AIDS cases. We must do more to target prevention efforts and funding for CARE Act services to the communities most heavily impacted; minority and under-served communities.

Two of California's largest cities, Los Angeles and San Francisco, are among the top four metropolitan cites with the highest number of AIDS cases in the United States. Through the CARE Act, Los Angeles has provided services to over 43,160 clients since 1996. San Francisco has provided services to 47,440 since 1996. I am disappointed that the Committee's recommendation provides for $70 million less for Ryan White AIDS programs than requested by the administration. We should fully fund the CARE Act. The CARE Act is more important now than ever. The epidemic is not over. In fact, it is reaching into lower-income communities, affecting more women and minorities than previously. HIV/AIDS remains a health emergency in the United States. The Centers for Disease Control estimates that 40,000 new cases are reported annually. According to the Centers for Disease Control, between 650,000 and 900,000 Americans are currently infected with HIV while the number of AIDS cases has nearly doubled over the past five years.

Community health center programs are the ''medical home'' to millions of uninsured and low-income individuals. Current resources only allow health centers to serve 10 percent of the Nation's 44 million uninsured. This is troubling given that the number of our Nation's uninsured continues to grow at a rate of 100,000 per month. At this rate, by 2008 we can expect our nation's uninsured to reach 58 million. As the number of uninsured continues to grow, community health centers will become even more important as more people will rely on these centers to access health care.

Community health centers are the backbone of our Nation's safety-net. I am committed to doubling funding for these centers over the next five years. This requires an increase of at least 15 percent in each of the next five years,

including an increase of $150 million in 2001. Although the $100 million increase in the bill is a good step, it is not enough. We need to add $50 million to the program to meet this goal.

Community health centers are vital to California's 7.3 million uninsured. Over 80 of California's clinics are located in under served areas and provide primary and preventive services to 10 percent of the uninsured people in the state. With a much needed increase in funding, these clinics could provide care to more of my State's uninsured. The care provided by health centers reduces hospitalizations and emergency room use, reduce annual Medicaid costs, and help prevent more expensive chronic disease and disability. Increasing appropriations to health centers makes good sense.

I am disappointed in the cuts in the bill to train health professionals. Almost one in five Californians lives in a health professions shortage area. We are facing a nursing shortage and will need 43,000 more nurses by 2010, which is a conservative estimate based on a projected 23 percent increase in the state's population. I hope these cuts will be restored.

The bill reported by the Committee funds the Social Services Block Grant at $600 million or 75 percent less than the authorized level of $1.7 billion. This drastic reduction in funding for SSBG will result in cuts to vital human services for our most vulnerable citizens. I hope we can restore these funds.

If the program were fully funded, California would receive $203.8 million in SSBG funds. If funding is cut to $600 million nationwide, California will receive $71.9 million. This is a reduction of $131.9 million.

California uses this money to fund its developmental disabilities program, which provides services and support to people with developmental disabilities and their families. The State also uses the funds to provide support for in-home care givers to the elderly, blind, and disabled. SSBG is a major source of funding for child protective services and for child care in every state.

This is a good bill, addressing many of the nation's critical human needs. The bill can be improved in several areas.

I hope the leadership and the bill's managers will work hard to restore the cuts I have cited and to send to the President a bill that addresses the nation's many critical health, education and human services needs.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in opposition to the amendment offered by the Senator from Wyoming [Mr. ENZI].

I strongly support the efforts of the Occupational Safety and Health Administration (OSHA) to promulgate fair and responsible ergonomics standards and regulations. I believe that such standards are instrumental in helping to reduce the occurrence of preventable workplace injuries.

More than 600,000 American workers suffer from workplace injuries caused by repetitive motions including typing, heavy lifting, and sewing. These injuries have an impact on every sector of our economy, and are particularly prevalent among women because many of the jobs held predominately by women require repetitive motions or heavy lifting. And these preventable injuries, including the painful and often debilitating carpal tunnel syndrome, cost more than $60 billion annually, $20 billion of which is from workers' compensation costs.

I want to say this again, Mr. President, repetitive stress injuries are particularly prevalent among women.

According to the Department of Labor, almost 230,000 women miss at least some time at work each year because of ergonomics injuries related to their jobs. To further emphasize the impact that these injuries have on women, let me cite the following statistics from the Department of Labor:

In 1997, women experienced 33 percent of all serious workplace injuries that required time off from work;

But women experienced 63 percent of all repetitive motion injuries, including 91 percent of injuries cause by repetitive typing or keying and 61 percent from repetitive placing;

These injuries include 62 percent of all work-related tendinitis cases and 70 percent of carpal tunnel syndrome cases; and

Recuperation from carpal tunnel syndrome, an often debilitating condition, requires an average of 25 days away from work.

The proponents of this amendment argue that further study is required before OSHA can promulgate its final ergonomics standard. I disagree. It is clear that more needs to be done to prevent these needless injuries, and that there is already a significant body of research outlining the need for national ergonomics standards from sources including the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the General Accounting Office.

And further proof can be found in the existing ergonomics programs. Companies across the country have reduced the instances of preventable workplace injuries by designing and implementing their own ergonomics programs. In my home state of Wisconsin, the popular maker of children's clothing, OshKosh B'Gosh, redesigned its workstations. This common sense action cut the company's workers' compensation costs by one-third, which resulted in a savings of approximately $2.7 million.

Another Wisconsin company, Harley-Davidson, cut workplace ergonomics injuries by more than half after implementing an ergonomics program.

An employee of a health care facility in my hometown of Janesville, Wisconsin, said the following about the joint efforts between her management and fellow employees to design a program to combat injuries that are all too common among health care workers:

Quote—''I am here today to tell OSHA that working in a nursing home is demanding and hazardous work. Those hazards include back injuries as well as problems in the hands, arms, shoulders, and other parts of the body. . . . I am also here to testify that the injuries and pain do not have to be part of the job . . . Together [management and labor] have identified jobs where there are risks of back injuries. After getting input from employees, the employer has selected equipment that has improved the comfort [and] the safety of patients as well as the employees.

. . . What we are doing at the [nursing home] is proof that it is possible to prevent injuries with a commitment from management and the involvement of employees. Our injury prevention program is win-win for everybody: Management, labor, the patients, and their families. I urge OSHA to issue an ergonomics rule so that nursing home workers across the country will have the same protection that we have at the health care center.''—End of quote.

And there are many other success stories in Wisconsin and around the United States.

I commend the efforts of those companies which have proven that responsible ergonomics programs can—and do—prevent injuries resulting from repetitive motions. Unfortunately, not all American workers are protected by ergonomics programs like those I have described.

For example, one of my constituents who testified at an ergonomics event in my state has endured three surgeries over a ten year period to repair damage to his spine caused by repetitive motions at his job. In his testimony, this man said, quote—''Pain is my constant companion and I still need pain medication to get through the day. It is an effort just to put my socks on in the morning. I will never be healthy and pain free.''—End of quote.

Another one of my constituents described the impact that an injury he sustained at work while lifting a 60–80 pound basket of auto parts has had on his once active lifestyle. Quote—''This pain has limited me in many ways. . . . I used to teach soccer to kids. Now I can't walk more than half an hour without pain in my legs and spine. I have to prepare myself for fifteen minutes in the morning just to get out of bed.''—End of quote.

Mr. President, injuries such as those suffered by my constituents—and indeed by workers in each one of our states—can be prevented through sensible and responsible national ergonomics standards.

Repetitive stress injuries are costing American businesses millions of dollars and are costing American workers their health and, in some cases, their mobility. This means that some workers will lose the ability to do certain activities—activities ranging from simple tasks like fastening buttons to more meaningful things including picking up a child or participating in sports.

These are real people, Mr. President. They are our constituents, our family, our friends, our neighbors. We should not block a regulation that will help to stop these preventable injuries from forever changing the lives of countless Americans who are working to provide their families and themselves with a decent standard of living.

I recognize that some industries and small businesses are concerned about the impact, financial and otherwise, that this proposed standard will have on them. I have written to OSHA on behalf of a number of my constituents to communicate their concerns. I hope that the public comment and hearing phases of this rule-making process have adequately brought these concerns to light. I also hope that OSHA will take these concerns into account as that agency continues the process of finalizing this important rule, taking seriously the concerns of employers who fear the new rule will be too burdensome. We need a new rule that protects workers and is fair to all.

Mr. President, repetitive motion injuries can and should be prevented. And I strongly believe that we should have a national standard that affords all workers the same protections from these debilitating injuries. We should not delay these efforts. The health and mobility of countless American workers is at stake.

I again urge my colleagues to defeat this amendment and allow OSHA to move forward in its efforts to promulgate fair and responsible ergonomics standards.

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

Mr. INHOFE. Mr President, I am pleased to come to the floor of the Senate today to speak in support of the Enzi amendment to the Labor-HHS Appropriations bill. As my colleagues know, the Enzi amendment is necessary to prevent the Occupational Safety and Hazard Administration from enacting a costly regulation without adequate scientific understanding of the very problem they hope to prevent.

As chairman of the Environment and Public Works Subcommittee on Clean Air, I have seen first hand how this administration refuses to conduct the proper scientific study of regulations they propose to promulgate. The reason, I fear, its rather simple: the scientific evidence does not support their political agenda. Based on my observations, the rule of thumb with this administration is ''if the scientific evidence does not support the goal, ignore the evidence.'' In this instance, we've been asking OSHA to do due diligence concerning the science behind this rule for five years.

I am not necessarily opposed to an ergonomics rule, I am simply opposed to this rule because it is not backed by sound science. I find it very interesting that the National Academy of Sciences is set to release its findings on ergonomics early next year. Why then the rush. The answer is obvious, OSHA fears the science will not support its proposal and wants to rush this into effect before the NAS finishes its work.

The speed at which OSHA is moving on this regulation is unprecedented; this is the single largest regulatory effort to date and OSHA appears to be bending over backwards to avoid congressional scrutiny, which of course is not new for this administration. In addition to dodging congressional scrutiny, OSHA is ignoring the over 7,000 public comments concerning the rule.

In addition to the process related flaws with this rule, another problem is its unrealistic cost estimate. OSHA estimates the rule will cost approximately $4.2 billion per year which is dramatically lower than all other estimates. For instance, the Small Business Administration estimates the cost is $60 billion per year or 15 times that of OSHA's estimate. The disparity of these figures alone should give plenty of reason to rethink this rule.

Yet another reason to oppose this rule is the effect of the rule on Medicare/Medicaid patients. OSHA has repeatedly stated that business should simply pass on the cost of compliance to consumers. Now, as I mentioned above, conservatively that cost will be in excess of $4.2 billion annually. Some of these ''businesses'' OSHA believes should pass on the cost of the rule are hospitals, nursing homes, home health care agencies, and other Medicare/Medicaid dependent health care providers. No where in the rule, has OSHA mentioned how these health care providers should deal with the newly imposed costs. They cannot simply pass on the cost as OSHA has stated so cavalierly.

Medicare/Medicaid providers in my state have been very clear about the existing problems associated with recent cuts in Medicare/Medicaid. I can only image what this new burden will mean for our health care providers.

In all fairness, OSHA has apparently thought about the cost to Medicare/Medicaid because they have done an estimate on the first year compliance cost of the rule. They estimate it will cost about $526 million for nursing and personal care facilities. Now, I don't know about my colleagues, but from the stories I've heard from my constituents, that $526 million could be much better spent providing care to patients. If OSHA implements this rule, we are setting the stage for a greater health care crisis in the country. Are health care providers going to be forced to choose between complying with OSHA regulations or providing health care for patients? I, for one, hope this is not the case.

Another of the significant problems with this rule is its vagueness. In fact, the rule's lack of clarity has prompted the Washington Post, clearly not a mouthpiece of conservative thinking, to say, that the rule is too vague and will cause problems.

There are many unanswered questions that OSHA readily admits it cannot answer and in all probability will never be able to answer. Among these now unanswered questions are: What is a definable ergonomics hazard? How can these undefined hazards be fixed? How will these undefined hazards be enforced?

Since OSHA cannot determine what the potential hazards are or how they can be fixed, it admits that actions that employers take to remedy supposed problems may actually make those problems worse. Since OSHA itself does not know what the extent of the problems are, it should come as no surprise that this is the only rule OSHA has ever put forward that does not provide employers some guidance for implementing appropriate measures to prevent injuries. Instead, the rule, as drafted, only sets forth penalties for employers if they fail to remedy these undefinable dangers.

Given these uncertainties, it is clear that the rule is flawed and should be stopped as is our prerogative. We have no choice. We must reject this rule and demand that OSHA conduct its due diligence before promulgating another. I hope my colleagues will join me in supporting the Enzi amendment.

Mr. KENNEDY. Mr. President, I strongly oppose this amendment to prohibit OSHA from moving forward with its ergonomics standard. OSHA has been attempting to implement an ergonomics standard for the past 10 years. But each year, Congress has delayed the standard.

As long ago as 1990, the Secretary of Labor Elizabeth Dole in the Bush Administration called ergonomic injuries ''one of the nation's most debilitating across-the-board worker safety and health illnesses.'' Since that time, over 2,000 scientific studies have examined the issue, including a comprehensive review by the National Academy of Sciences.

All of these studies tell us the same thing—it's long past time to enact an ergonomics standard to protect the health of American workers and prevent these debilitating injuries in the workplace.

Each year, over 1.7 million workers suffer from ergonomic injuries and nearly 600,000 workers lose a day or

more of work because of ergonomic injuries suffered on the job. Ergonomic injuries account for over one-third of all serious job-related injuries.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves.

Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

Ergonomics is also a women's issue, because women workers are disproportionately affected by these injuries. Women make up 46 percent of the overall workforce—but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of carpal tunnel cases.

The good news is that these injuries are preventable. The National Academy of Sciences and the National Institute of Occupational Safety and Health have both found that obvious adjustments in the workplace can prevent workers from suffering ergonomic injuries and illnesses.

Congress has a responsibility to ensure that the nation's worker protection laws keep pace with changes in the workforce. Early in this century, the industrial age created deadly new conditions for large numbers of the Nation's workers.

When miners were killed or maimed in explosion after explosion, we enacted the Federal Coal Mine Safety and Health Act. As workplace hazards became more subtle, but no less dangerous, we responded by passing the Occupational Safety and Health Act to address hazards such as asbestos and cotton dust. Now, as the workplace moves from the industrial to the information age, our laws must evolve again to address the emerging dangers to American workers. Ergonomic injuries are one of the principal hazards of the modern American workplace—and we owe it to the 600,000 workers who suffer serious ergonomic injuries each year to address this problem now.

Ergonomic injuries affect the lives of working men and women across the country. They injure nurses who regularly lift and move patients, and construction workers who lift heavy objects. They harm assembly line workers whose task consists of constant repetitive motions. They injure data entry workers who type on computer keyboards all day long. Even if we are not doing these jobs ourselves, we all know people who do. They are mothers and fathers, brothers and sisters, sons and daughters, and neighbors—and they deserve our help.

We need to help workers like Beth Piknick from Massachusetts, who was an intensive care nurse for 21 years before a preventable back injury required her to undergo a spinal fusion operation and spend two years in rehabilitation. Although she wants to work, she can no longer do so. In her own words, ''The loss of my ability to take care of patients led to a clinical depression. * * * My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable.''

We need to help workers like Elly Leary, an auto assembler at the now-closed General Motors Assembly plant in Framingham, Massachusetts. Like many, many of her co-workers, she received a series of ergonomic injuries—including carpal tunnel syndrome and tendinitis. Like others, she tried switching hands to do her job. She tried varying the sequence of the routine. She even bid on other jobs. But nothing helped. Today, years after her injury, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We need to help workers like Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts in the mid-1980's. He suffered a career-ending back injury when he was told to install a 75 pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not endure the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children that they couldn't sit on his lap for more than a few minutes, because it was too painful. To this day, he cannot sit for long without pain.

We need to protect workers like Wendy Scheinfeld of Brighton, Massachusetts, a model employee in the insurance industry. Colleagues say she often put in extra hours at work to ''get the job done.'' She developed carpal tunnel syndrome from using the computer at work. As a result, Wendy has lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

Even though it may be too late to help Beth, Elly, Charley and Wendy, workers just like them deserve an ergonomics standard to protect them from such debilitating injuries.

Some in Congress argue that OSHA is rushing the process too much. But let's review the record. OSHA's rulemaking effort began ten years ago in the Bush Administration under Secretary of Labor Elizabeth Dole. Years of study and development have laid the groundwork for this proposed standard. OSHA held nine stakeholder meetings following its Advance Notice of Public Rulemaking in 1992. OSHA also held 11 best-practices conferences between 1997 and the end of 1999. Since November, 1999, there has been a 100-day pre-hearing comment period and nine weeks of public hearings.

The Agency is currently in the midst of a 30-day comment period on an economic analysis and a 60-day post-hearing comment period on the proposed standard. There will be another public hearing on July 7. All told, the public will have had over 8 months of opportunity for public comment since the publication of the proposed standard last November. After 10 years of attempting to address this serious problem, this amendment would delay OSHA's standard yet again.

Last fall, when we considered the Labor-HHS appropriations bill, opponents of an ergonomics standard wanted us to wait for the National Academy of Sciences to complete a further study before OSHA establishes a standard. But it was just another delaying tactic. As we said then, over 2,000 studies on ergonomics have already been carried out.

In 1997, the National Institute for Occupational Safety and Health reviewed 600 of the most important of those studies. In 1998, the National Academy of Sciences reviewed the studies again. Congress even asked the General Accounting Office to conduct its own study.

The National Academy of Sciences found that work clearly causes ergonomic injuries. They concluded that ''the positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear.'' The National Institute for Occupational Safety and Health agreed. They found ''strong evidence of an association between MSDs and certain work-related physical factors.''

The Academy also found that ergonomics programs are effective. As the Academy found, ''Research clearly demonstrates that specific interventions can reduce the reported rate of musculoskeltal disorders for workers who perform high-risk tasks.''

Finally, the GAO concluded that ergonomics is good business. Its report declared, ''Officials at all the facilities we visited believed their ergonomics programs yielded benefits, including reductions in workers' compensation costs.''

The truth is that the Labor Department's ergonomics rule is based on sound science. In addition to the National Academy of Sciences and the National Institute of Occupational Safety and Health, medical and scientific groups have expressed widespread support for moving forward with an ergonomics rule.

The American College of Occupational and Environmental Medicine, representing over 7,000 physicians, has stated that ''there is * * * no reason for OSHA to delay the rule-making process while the NAS panel conducts its review.'' The American Academy of Orthopedic Surgeons, representing 16,000

surgeons, the American Association of Occupational Health Nurses, representing 13,000 nurses, and the American Public Health Association, representing 50,000 members, all agree that an ergonomics rule is necessary and based on sound science.

Many members of the business community support ergonomics protections, because good ergononics is good business. Currently, businesses pay out $15 to 20 billion each year in workers' compensation costs related to these disorders. Ergonomic injuries account for one dollar in every three dollars spent for workers' compensation. If businesses reduce these injuries, they will reap the benefits of lower costs, greater productivity, and decreased absenteeism.

That's certainly true for Tom Albin of Minnesota Mining and Manufacturing, who said, ''Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employees, but also makes good business sense.''

Similarly, Peter Meyer of Sequins International Quality Braid has said, ''We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program. Our productivity has increased dramatically, and our absenteeism has decreased drastically.''

This ergonomics rule is necessary, because only one-third of employers currently have effective ergonomics programs.

Further delay is unacceptable, because it leaves workers unprotected and open to career-ending injuries. Since OSHA began working on this standard in 1990, more than 6.1 million workers have suffered serious injuries from workplace ergonomic hazards.

It is time to stop these injuries—and stop all the misinformation too. This year's attack on OSHA's ergonomics standard is just the latest in a long series of attacks against this important worker protection measure.

American employees deserve greater protection, not further delay. It's time to stop breaking the promise made to workers, and start supporting this long overdue ergonomics standard now.

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO COMMIT WITH AMENDMENT NO. 3598

(Purpose: To amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program)

Mr. ROBB. Mr. President, this past April when the Senate was debating its annual budget resolution, I offered an amendment which stated that if Congress was going to consider massive tax cuts this year, it must first pass legislation that modernizes Medicare through the creation of a prescription drug benefit. Fifty-one Senators voted in favor of this amendment, in favor of putting our Nation's seniors before massive tax cuts, including six of our colleagues from the other side of the aisle—Senators CHAFEE, SPECTER, ABRAHAM, DEWINE, BURNS, and the distinguished occupant of the chair.

I rise today to follow up on the vote that we took in April and to urge a majority of our colleagues to, once again, come together across party lines for our Nation's seniors. Putting seniors before tax cuts was the first step.

Now the Senate needs to take up and pass a comprehensive affordable prescription drug benefit for all Medicare beneficiaries. Unfortunately, it is now mid-June and neither the Senate Finance Committee nor the Senate itself has considered a Medicare prescription drug benefit. With so few legislative days left in the year and so much work to be done, it is crucial that we take this issue up now.

The amendment I am offering today will commit this bill back to the Appropriations Committee with instructions that they report out a new bill that provides a universal, comprehensive, dependable prescription drug benefit for Medicare beneficiaries.

The Medicare Outpatient Drug Act, a bill that I introduced this week with Senators GRAHAM, BRYAN, CONRAD, CHAFEE, BAUCUS, ROCKEFELLER, and LINCOLN, is a moderate bipartisan, commonsense piece of legislation. It combines the best elements of prescription drug proposals offered by Members on both sides of the aisle.

More important, the Medicare Outpatient Drug Act will help every senior better afford the prescription drugs which they so badly need, and the need is real.

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

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Objection.

The PRESIDING OFFICER. Is the Senator sending a motion to the desk?

Mr. ROBB. A motion to commit with instructions.

The PRESIDING OFFICER. Will the Senator send the motion to the desk?

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] moves to commit H.R. 4577, the Labor-HHS appropriations, to the Appropriations Committee with instructions to report forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

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

Mr. REID. I object.

The assistant legislative clerk read as follows:

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2522, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

HELMS amendment No. 3498, to require the United States to withhold assistance to Russia by an amount equal to the amount which Russia provides Serbia.

NICKLES amendment No. 3569, to provide that not less than $100,000,000 shall be made available by the Department of State to the Department of Justice for counternarcotic activity initiatives.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to call up an amendment relative to Mozambique.

The Senator from Wisconsin.

AMENDMENT NO. 3520

(Purpose: To increase amounts appropriated for international disaster assistance for Mozambique and Southern Africa and to offset such increase)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3520.

The amendment is as follows:

On page 17, lines 1 and 2, strike ''$220,000,000, to remain available until expended'' and insert ''$245,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, $25,000,000 shall be available only for Mozambique and Southern Africa: *Provided further*, That, of the amounts that are appropriated under this Act (other than under this heading) and that are available without an earmark, $25,000,000 shall be withheld from obligation and expenditure''.

AMENDMENT NO. 3520, AS MODIFIED

Mr. FEINGOLD. Mr. President, I ask unanimous consent to modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3520), as modified, is as follows:

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

SEC. . SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

(a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique has been making progress toward climbing out of poverty, enjoying economic growth rates of 10% per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be $430 million, with an additional $215 million in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional $168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank the managers of this bill for working with me to reach agreement on this modification. I thank them for cosponsoring it. I thank Senator FRIST for joining me in offering it.

This amendment expresses the sense of Congress that the administration's request for flood recovery in southern Africa, and particularly in the Republic of Mozambique, should be fully funded.

Right now the foreign operations bill falls far short of fulfilling the administration's request for flood relief in southern Africa. The floods that took so many lives there, and destroyed so many farms, businesses, schools, and hospitals there, have faded from our television screens. But Mr. President, the terrible destruction of these floods has not receded in Mozambique. On the contrary, the longer Mozambique waits for additional flood relief, the more severe the long-term damage of this disaster will become. In February and March Mozambique was in the news because it was devastated by flooding. But before that Mozambique made headlines with the highest economic growth rate in the world. The people of Mozambique have proven that they are fighters, who worked their way back from a terrible civil war to achieve impressive economic and social progress. But today the people of Mozambique are in a fight that they can't win without the help of their African neighbors, and the help of the United States.

It was not long ago that Americans saw dramatic images of daring rescues and remarkable perseverance in Mozambique. Massive rainstorms and furious cyclones inundated the low lands of Mozambique and flooded the rivers that meander through southeastern Africa. The region was ravage by not one, not two, but three cyclones. As we stand here, thousands of miles away on the floor of the Senate, it's hard to comprehend the human cost of this disaster. But these floods claimed the lives of 640 people, and displaced or trapped 491,000 others. Schools, business, and clinics were destroyed, and, in a devastating blow to rescue efforts and to prospects for economic recovery, hundreds of miles of the transportation system were destroyed.

The floods washed away roads, contaminated water supplies, and forced whole families onto rooftops—even into trees—for days on end. The people of Mozambique have seen their crops flooded, their homes destroyed, and their loved ones drowned by the worst flooding southern Africa has seen in the last 100 years. Yet, alongside these tragedies, we saw vivid images of hope as fellow African nations rose up to help their neighbors—most notably South Africa with its courageous helicopter pilots, but also Malawi and even tiny Lesotho, which helped to get supplies to those in need as quickly as possible. I was proud of the U.S. involvement in these efforts, and I know that many of my constituents shared that pride. It is my intent, with this amendment, to ensure that the people of southern Africa are not forgotten in this bill. The administration asked for $193 million to assist the flood-ravaged countries of southern Africa. This bill provides for only $25 million. That, Mr. President, is simply not good enough.

I urge my colleagues to remember that these floods are particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth, and while more needs to be done, the country has improved its record with regard to basic human rights. It has been making great strides ever since the end of a civil war that ended in the early 1990's. Up until the flood, Mozambique was registering economic growth at a rate of 10 percent a year. That's an incredible achievement for any nation, Mr. President, and it deserves special recognition as a nation of sub-Saharan Africa, where some of its neighbors have struggled to achieve growth rates a fraction of that size.

The people of Mozambique have been working hard for a better future—too hard to see that future swept away by the floodwaters that have already destroyed so much. They need our help. Recovery assistance is critically needed to help the people of Mozambique to hold on to the opportunities that lay before them before the waters rose. The World Bank estimates that the cost of reconstruction in Mozambique alone will be $430 million. The floodwaters washed landmines into new, unmarked locations, and infectious diseases spread quickly in the wake of the disaster. In Mozambique, forecasts suggest that the floods have led to grain production shortfalls of more than 15 percent. And the outlook for the future could be even worse if we don't act. Without repaired roads, farmers and small businesses will be unable to function. Without working railroad lines, lost revenues will total an estimated $35 million per year. And without working hospitals and sanitation facilities, Mozambique will suffer further outbreaks of disease. If we don't reach out to help Mozambique now, it won't be long until were read about this nation again in headlines, as the people of Mozambique suffer the consequences of these floods alone without help, Mozambique may never be able to regain its footing on the road to stability and prosperity.

I am pleased that both Senators LEAHY and MCCONNELL intend to work to address this issue in conference. I thank them for their cosponsorship, their attention to this, and their assistance with this amendment.

Mr. President, it is my understanding that the managers intend to accept this amendment. With that understanding, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is to be recognized to call up two amendments, Nos. 3541 and 3542, on which there shall be a total of 40 minutes of debate.

Mr. LEAHY. If the Senator will yield, what was the disposition of the amendment of the Senator from Wisconsin? Was that accepted?

Mr. FEINGOLD. I think people had assumed there would have to be a vote. It is my understanding that the managers have no objection, and I suggest it be accepted at this point.

Mr. MCCONNELL. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 3520), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3551, AS MODIFIED; 3553, AS MODIFIED; 3555, AS MODIFIED; AND 3569, AS MODIFIED

Mr. MCCONNELL. Mr. President, I send a group of modified amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3551, as modified; 3553, as modified; 3555, as modified; and 3569, as modified.

The amendments are as follows:

AMENDMENT NO. 3551, AS MODIFIED

(Purpose: To express the sense of the Senate that the United States should authorize and fully fund a bilateral and multilateral program of debt relief for the world's poorest countries)

On page 140, between lines 19 and 20, insert the following:

SEC. ___. SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES.

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced heavily indebted poor countries initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress, Congress should fully fund bilateral and multilateral debt relief.

AMENDMENT NO. 3553 AS MODIFIED

On page 33, line 6 strike ''funds made available under this heading shall be available subject to authorization by the appropriate committees'' and insert in lieu thereof, ''funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress''.

AMENDMENT NO. 3555 AS MODIFIED

(Purpose: To provide funds for the President to direct the executive directors to international financial institution to prohibit funds to the Russian Federation if the Russian Federation delivers SN22 Missiles to the People's Republic of China)

At the appropriate place, add the following:

"SEC. . RUSSIAN MISSILE SALES TO CHINA

''It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS–N–22 missiles or components to the People's Republic of China.''.

AMENDMENT NO. 3569 AS MODIFIED

On page 157, between lines 14 and 15, insert the following:

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, $40 million to be made available until expended: *Provided,* That entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BIDEN. Mr. President, I am pleased to be part of the effort here today—led by Senator CHAFEE—to put the Senate on record in support of United States' participation in an international program to lift the burden of debt from the poorest countries of the world. That is the HIPC program, named for the Heavily Indebted Poor Countries for which it is intended.

With this amendment the Senate is now on record in support of a simple, but powerful, idea.

Right now, in the poorest countries of the world, desperately needed resources—including both money and some of the best-educated public officials—are used to pay money to the richest industrial economies. That's right—they are sending money to us.

That is happening because, over the years, we and our allies have loaned substantial amounts to those countries, often to pursue our own goals of fighting communism during the Cold War or for other foreign policy purposes. That often meant that we turned a blind eye to the problems in those countries, including how their governments might spend the money, or if they had any hope of repayment.

The perverse result is that, while we seek to promote economic growth and opportunity in the least developed countries of the world, at the same time we continue to collect payments on those debts. At a time when foreign assistance of all kinds is shrinking, we continue to expect these countries to send money to us, most commonly to pay the interest to simply service their debts.

And this is no small problem for these poor countries. Many of them will spend more on just servicing the interest on their debts than they do on childhood immunizations, or education.

That is not just unconscionable, Mr. President, it is bad policy. It defeats many of our best efforts to help those countries turn the corner to more sustainable economic growth and development.

There is so little chance that these countries will ever be able to pay off the principal on these loans that we carry them on our own books at just a few cents on the dollar. That means that it will cost us very little to give a great deal of benefit to these countries.

Those benefits come not just from the lifting of the debt itself. The HIPC program requires that each country that is to receive debt relief must draw up and stick to a plan for social and economic development, reducing poverty and creating sustainable growth.

Banks here in the United States and all around the world know that when there is no chance that a loan will be repaid, you take it off the books.

But the HIPC program is more than just a bookkeeping matter—it is a way of leveraging money that we are unlikely to ever see into essential resources for the neediest countries.

Earlier this year, I made full authorization of the HIPC program my top priority when the Foreign Relations Committee passed its first foreign assistance authorization bill in fifteen years. With the cooperation of Senator HELMS, we reached agreement on all of the pieces needed for full U.S. participation in the HIPC program, participation which we have already pledged, along with our partners among the advanced industrial nations.

That legislation authorized full funding, at the levels requested by the Administration earlier this year, as well as the authorization needed from us to permit the International Monetary Fund to dedicate to the debt relief effort the proceeds from a revaluation of their gold holdings.

As it stands, the Foreign Operations Bill before us today cuts the Administration's request of $262 million for debt relief by $187 million—that's a cut of more than 70 percent. That affects both the HIPC program and another priority of mine, the Tropical Forest Protection Act, a debt-for-nature program that was established with strong bi-partisan support.

While this amendment will not change that situation, it does put the Senate on record in favor of changing it, when this process is once again engaged later on in this session.

Whatever disagreements we have about the IMF, the World Bank, or other aspects of foreign assistance, we should all be able to support this program. The HIPC program comes with its own strong program that the poor countries must comply with to be eligible for debt relief.

It stands on its own merits and should not be tangled up in other debates. Given the heavy burdens on these poor countries, relief delayed is relief denied. Every day that debt relief is put off, those obligations continue to sap their limited resources.

This is a program that has the support of a strong, ecumenical, interfaith effort by the world's major religions. The Pope, the Reverend Billy Graham, and other religious leaders have dedicated their time and effort to making debt relief a reality.

Considering the small and shrinking support we give to the poorest nations, and the importance to us of their economic health and stability, this is an issue where conscience and economic common sense agree.

Again, I want to thank Senator CHAFEE, Senator SARBANES, Senator HAGEL, and all of our cosponsors, for keeping this issue before us. I am confident that at the end of the day, we will do what is right, and fully fund this worthy program.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment sponsored by Senator CHAFEE from Rhode Island. This amendment expresses the sense that the United States should support bilateral and multilateral debt relief for the world's poorest countries with unsustainable debts, and provide the funding for bilateral and multilateral debt relief the Clinton administration has requested.

Last year, United States and other industrialized countries agreed to provide $27 billion in debt relief for heavily indebted poor countries that adopt sound economic policies and use the savings for health, education, and poverty reduction efforts, and the Clinton administration pledged to pay four percent of the total. The $435 million the administration requested for Fiscal Year 2001 is a down-payment on our $920 million pledge.

The countries that will benefit are classified by the World Bank and International Monetary Fund as Heavily Indebted Poor Countries (HIPCs), which means they have unsustainable debts and are extremely poor.

In these countries:

One in ten children dies before his or her first birthday;

One in three children is malnourished;

More than half of all citizens live on less than $1 per day; and

HIV infection rates are as high as 20 percent.

More than two out of three of these countries spend more on debt service than health care.

Every dollar in debt payments these countries make to the United States and other creditors is one fewer dollar to spend on education, health care, and other basic needs.

Many of these countries, including Zambia, Uganda, Togo, Cote d'Ivoire, Mozambique, and Tanzania, to name but a few, are in the midst of a HIV/AIDS pandemic. Every dollar in debt payments these countries make is one fewer dollar to spend on HIV/AIDS prevention and treatment programs.

This debt relief proposal will not solve every problem in these countries, but it will help. Bolivia, our democratic ally, began receiving debt relief in 1997. In 1999, Bolivia saved $77 million in debt service as a result of debt relief provided by multilateral institutions. Most of the savings went to increased spending on health care and education.

Uganda has also received multilateral debt relief. Uganda saved $45 million in debt service payments in 1999, and it increased spending on poverty reduction programs, primary education, and primary health care by $55 million. Since 1997, the primary school enrollment rate has increased by 50 percent.

Uganda is not the only country in desperate need of debt relief in Africa. The World Bank and International Monetary Fund list 33 countries in Africa as HIPCs, meaning they are extremely poor and have unsustainable debts.

As Dr. Jeffrey Sachs, the director of the Center for International Development at Harvard University, wrote in The Washington Post, on May 23, 2000, in regard to malaria, HIV/AIDS, and tuberculosis,

> Debt cancellation for Africa has come down to a matter of life and death. African leaders know very well that for their own countries to muster the internal resources to fight these dread diseases, they will have to be permitted by the creditor nations to shift the funds now spent on debt servicing into public health.

We must provide debt relief to accountable governments, not to dictatorial regimes that waste funds on the military and violate human rights.

This amendment urges the Senate to fund multilateral debt relief efforts carried out by the World Bank and the International Monetary Fund for countries that use the funds transparently, allow participation by civil society, do not grossly violate human rights, and do not spend excessively on the military.

Debt relief will allow Heavily Indebted Poor Countries, which use up to 60 percent of their budgets for debt service on loans made by the United States and other industrialized countries to dictators during the Cold War, to use these precious resources to meet basic needs.

The debt burden condemns these countries to poverty. Relieving the burden from these debts will give these countries a chance to develop. Relieving debts that can never be repaid is the humane thing to do.

The Clinton administration has requested $435 million for this initiative to help the world's poorest people. The United States has committed to this multinational debt relief plan, and we should live up to our commitment.

I urge my colleagues to support this amendment. I urge my colleagues to support funding for debt relief for the world's poorest people. I urge my colleagues to do the right thing.

The PRESIDING OFFICER. Without objection, the amendments, as modified, are agreed to.

The amendments (Nos. 3551, 3553, 3555, and 3569), as modified, were agreed to.

Mr. MCCONNELL. Mr. President, that leaves amendments by Senator BOXER and Senator BYRD as the only amendments left to dispose of.

AMENDMENT NO. 3531, AS MODIFIED

(Purpose: To provide support for the Defense Classified Activities)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY], for Mr. BYRD, proposes an amendment numbered 3531, as modified.

The amendment is as follows:

> At the appropriate place in Title VI of the bill insert the following:
>
> SEC. .In addition to amounts provided elsewhere in this Act, $8,500,000 is hereby appropriated to the Department of Defense under the heading, ''Military Construction, Defense Wide'' for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of ''Management of MASINT'' in Senate Report 105–279 to accompany S. 2507, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for $8,500,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. BYRD. Mr. President, the amendment I am proposing would provide $8.5 million to the Department of Defense under the heading ''Military Construction, Defense-wide'' for classified activities, to remain available until expended. The entire amount would be designated as an emergency requirement and would be available only to the extent that an official budget request for $8.5 million is transmitted by the President to the Congress. These funds would be used for the conduct of a utility and feasibility study referenced under the heading of ''Management of MASINT'' in Senate Report

106–279. I am constrained from speaking further about this matter due to the nature of the classification of the amendment.

I urge my colleagues to support this amendment.

Mr. LEAHY. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there objection?

The amendment (No. 3531), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3541, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modification to my amendment No. 3541 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3541), as modified, is as follows:

At the end, add the following:

SEC. . INTERNATIONAL HEALTH EMERGENCIES.

In addition to amounts otherwise appropriated in this Act, $40 million shall be available for necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: *Provided*, That of the funds appropriated under this section, not less than $30 million shall be made available for programs to combat HIV/AIDS: *Provided further*, That of the funds appropriated under this section, not less than $10 million shall be made available for the prevention, treatment, and control of tuberculosis: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

On page 155, line 25, strike ''$25,000,000'' and insert ''$35,000,000''.

Mrs. BOXER. Mr. President, I thank the managers of this legislation on both sides for agreeing to this. It isn't everything I had asked for regarding tuberculosis and the HIV/AIDS fight, but it is helpful. It will also take into consideration Senator FEINGOLD's request on the flooding in Mozambique. It will give an additional $30 million for the worldwide fight against HIV/AIDS, an additional $10 million for the worldwide fight against tuberculosis, and $10 million for the flooding in Mozambique. I am proud that Senators FEINGOLD, LEAHY, DURBIN, DODD, and KERRY are sponsors of this amendment.

I want to take a moment of the Senate's time, because we won't need to have a rollcall on this, to simply say that if we are looking at a true emergency, we have one here. The U.N. Security Council met on the issue of HIV, and it was the first time the Security Council ever met on an international health issue.

Last month, our own National Security Council declared that the global spread of AIDS is a direct threat to U.S. national security because of the destabilizing impact of this deadly disease.

One of the reasons they so found was that the CIA did something they call the National Intelligence Estimate. They titled it ''The Global Infectious Disease Threat and Its Implications for the United States.'' I am simply going to read a tiny bit from this report.

New and reemerging infectious diseases will pose a rising global health threat and compromise U.S. and global security over the next 20 years. These diseases will endanger United States citizens at home and abroad, threaten U.S. Armed Forces deployed overseas, and exacerbate social and political instability and keep countries and regions in which the United States has significant interest.

I know that my colleagues are very aware of the horrific problem of AIDS in Africa, particularly sub-Saharan Africa. Mr. President, 84 percent of all the people in the world who have died of AIDS have been from that region. It is now predominantly a women's disease. Many children are left as orphans.

Lastly, as far as tuberculosis is concerned, this is a disease we thought we had eliminated in the 1950s. However, the disease is making a comeback. The World Health Organization estimates that nearly 2 million people die of tuberculosis-related conditions annually. One-third of the entire world's population is infected with tuberculosis—an extraordinary number when you think about it.

I am pleased we have this amendment and it is in agreement. I trust and hope and pray for the sake of people all across this world and in our own Nation that these numbers will hold up in the conference. Believe me, it means so much. We know how to treat tuberculosis. We know how to stop HIV transmission from mother to child. It would be a real sin, it seems to me, if we didn't push as hard as we could to fight these diseases.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I took the floor to thank the Senator from California and to ask consent I be included as an original cosponsor. It is a very important amendment and directly connected to people's lives. I thank the Senator for her fine work.

Mrs. BOXER. I am happy for a voice vote, if the manager is ready to do that.

Mr. MCCONNELL. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3541, as modified.

The amendment (No. 3541), as modified, was agreed to.

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

Mrs. BOXER. I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3542, AS MODIFIED

Mrs. BOXER. How much time remains to explain this next amendment?

The PRESIDING OFFICER. The Senator from California has 35 minutes remaining.

Mrs. BOXER. I assure my friends I do not intend to take anything near that time.

Mr. President, I send my modified amendment to the desk on behalf of Mr. LEAHY and Mr. FEINGOLD.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Mr. MCCONNELL. Reserving the right to object, could we see what is being modified?

Mrs. BOXER. This is, at the suggestion of my friend, for a sense of the Senate. It shows support of rules for engagement in Colombia for the Department of Defense.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Is there objection to the Senator being able to modify her amendment?

Without objection, the amendment is modified.

The amendment (No. 3542), as modified, is as follows:

At the appropriate place, insert:

SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.

(a) AFFIRMATION OF POLICY.—The United States Senate affirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Defense will not be used—

(1) to support the training of any Colombian security force unit that engages in counter-insurgency operations;

(2) to participate in any law enforcement activity in Colombia, including search, seizure and arrest;

(3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and

(4) to permit any Department of Defense employee to participate in any activity in which counter-narcotics related hostilities are imminent.

The PRESIDING OFFICER. The chair clarifies at this time the amount

of time now evenly divided under previous agreement. The intention was to divide 20 minutes equally. The Senator from California has 10 minutes.

Mrs. BOXER. Mr. President, after I make just an opening remark, I will yield 5 minutes to my distinguished colleague from Vermont.

I am offering an amendment which is completely consistent with the Department of Defense guidelines on the activities of their own personnel in Colombia. It actually says that we support these guidelines, we think it is good to put limits on our involvement, and we should express ourselves on that point.

The first part of the amendment supports the prohibition of the DOD using its personnel, equipment, or other resources to get involved in the counterinsurgency; in other words, to get involved in what some call the civil war between the left and the right in that country.

Again, written by the Secretary of Defense in March 2000:

> I am directing that no DOD personnel, funds, equipment, or resources may be used to support any training program that engages solely in counterinsurgency operations.

That supports that DOD guideline.

The same thing occurs on the second part of my amendment; that we support the fact they shouldn't be involved, our own personnel, in law enforcement activities in Colombia. Again, that mirrors the position of our Secretary of Defense.

The third part of the amendment says we agree with the Secretaries that our personnel shouldn't conduct any counterdrug field operation in which counterdrug-related hostilities are imminent. That is to protect our people from harm.

Finally, we say we agree with the Secretary of Defense that U.S. military personnel should make every effort to minimize the possibility of confrontations with civilians.

Clearly, what we should do here is support our own Secretary of Defense and our own administration. I don't think it should be controversial.

I am hopeful it can be accepted because I believe we ought to go on record in support of these limits. I think it is sensible. I think the DOD is correct on this.

Yesterday, we voted millions and millions of dollars to send advisers. I think it would be wonderful if we stood with our own DOD and said there ought to be limits on the participation of our own personnel.

I yield 5 minutes to my friend from Vermont.

Mr. LEAHY. Mr. President, it is my understanding that there is another modification on the Boxer amendment.

Mrs. BOXER. That is correct. Senator MCCONNELL has offered a modification.

Mr. LEAHY. Mr. President, I ask the Senator from California if it is her understanding that the most recent modification does not undercut or diminish in any way the so-called Leahy law that is in effect in Colombia and in U.S. operations in Colombia?

Mrs. BOXER. That is certainly my understanding.

I ask Senator MCCONNELL if he would comment on that further.

Mr. MCCONNELL. Mr. President, that is also the understanding of the Senator from Kentucky.

Mr. LEAHY. Mr. President, I hope we can just adopt this as it is and do so by voice vote.

Mr. MCCONNELL. Has the further modification been sent to the desk?

AMENDMENT NO. 3542 AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, I send the further modification we have just been discussing to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is further modified.

The amendment (No. 3542), as further modified, is as follows:

At the appropriate place, insert:

SEC. . POLICY REGARDING DEPARTMENT OF DEFENSE RESOURCES AND ACTIVITIES IN COLOMBIA.

(a) AFFIRMATION OF POLICY.—The United States Senate afirms and supports the Department of Defense policy that United States Armed Forces personnel in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia, and that funds appropriated by this Act and other resources of the Department of Denfense should not be used—

(1) to support the training of any Colombian security force unit that directly engages in counter-insurgency operations;

(2) to directly participate in any law enforcement activity in Colombia, including search, seizure and arrest;

(3) to permit any Department of Defense employee to accompany any United States drug enforcement agency personnel, or any law enforcement or military personnel of Colombia with counter-narcotics authority, on any counter-narcotics field operation; and

(4) to permit any Department of Defense employee to directly participate in any activity in which counter-narcotics related hostilities are imminent.

Mr. MCCONNELL. Mr. President, what we were hoping to achieve was to voice vote this. A number of Senators are missing important conferences.

The Senator from Florida is interested in seeing the modification.

Mr. GRAHAM. Mr. President, I would like to see the final language of this amendment before we vote on it. Would it be appropriate to suggest the absence of a quorum until we have that opportunity?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I raise a point of order against the pending amendment that it violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order must await the finalization of all time ordered. Is all time yielded back?

Mr. STEVENS. I apologize.

Mrs. BOXER. I do not yield my time back.

The PRESIDING OFFICER. The Senator from California has not yielded time back.

Mr. STEVENS. Mr. President, is there time left on this side?

The PRESIDING OFFICER. There are 9½ minutes remaining to the opponents and 5 minutes remaining to the sponsor.

Mr. STEVENS. Will the Senator yield me 3 minutes?

Mr. MCCONNELL. I yield to the Senator from Alaska whatever time he may desire of our time.

Mr. STEVENS. Mr. President, this amendment covers resources in the Department of Defense and it deals with matters with which we are dealing in the supplemental right now. I do not want to mislead the Senate. We are trying to settle this matter in a conference on the military construction bill with the supplemental portions associated with it. I am perfectly happy to see the Senate express its point of view on the Colombia money, but in terms of the item as a place in the Department of Defense portion of the Colombia money, it really has been objected to by the Department of Defense, and as chairman of the Defense Subcommittee, I strenuously object to it.

We should be in the position of determining how defense money is spent, how Armed Forces personnel are governed when they are abroad, and we should not take the occasion now to put limitations on the use of defense assets in connection with the war on drugs.

I just returned from Key West, Tampa, and Alameda in California. I know some of the defense assets we are using to supplement the activities in the war on drugs. I am very reluctant to see the Senate act on a bill at this time like this to set down rules that apply to the use of defense personnel, defense assets, and defense money in connection with the war on drugs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am deeply distressed that the Senator from Alaska raised a point of order. I want to explain why.

Yesterday we voted for almost $1 billion to get involved in a very serious problem in Colombia. Our people will be exposed to a lot of danger there. All we are simply trying to do with this

sense-of-the-Senate amendment is to protect them. Further, all we are trying to do is say to Secretary Cohen: You are right on your guidelines that you have issued. And those guidelines simply say our people should not be involved in counterinsurgency, that our people should not be in the line of hostile fire. It is very straightforward, and it is very simple.

Frankly, the way the Senate has responded to this shows me I did the right thing when I never voted for this in the first place. If we cannot stand up in the Senate and support the Secretary of Defense in his very straightforward directive, then I am very concerned about what we are getting ourselves into. I hope I am wrong.

I am distressed the Senator from Alaska did this. When Senator SESSIONS from Alabama, from his side of the aisle, offered legislation on an appropriations bill yesterday, no one said the amendment of the Senator from Alabama, which dealt with this very same subject, was legislation on an appropriations bill. I do not think it is fair to have a double standard. If we are going to use that rule, we ought to use it.

I did not like Senator Sessions' amendment yesterday. Frankly, I viewed it as a way to get us far more involved in the counterinsurgency, but I did not make a point of order. The fact the Senator did this is distressing.

I am not going to ask for a vote on a procedural motion because that would not even be close to the kind of vote I think I could get on this sense-of-the-Senate amendment. That is what I fear is happening. People do not seem to want to vote on the sense-of-the-Senate amendment. It is not fair.

Mr. LEAHY. Will the Senator yield?

Mrs. BOXER. Yes, I will be happy to yield.

Mr. LEAHY. The Senator does make a good point about the point of order. We should either be consistent on these points of order or not have them, one or the other.

The Senator is correct that when a similar motion was made from the Republican side of the aisle yesterday, Senators on this side of the aisle who wanted to make a point of order refrained because there have been a number of amendments accepted on this bill by both Republicans and Democrats that were subject to the point of order of which the Senator from California speaks. We all refrained from making them.

The Senator from California raises a legitimate point that now, at the end of the bill, on her amendment, which is no more subject to a point of order than those other amendments where a point of order was waived, suddenly she faces the only point of order in this whole bill. I can understand her concern, and I share her concern.

Mrs. BOXER. I thank my friend. I believe it is not fair play, and if there is one thing I expect in the Senate—and I think we all stand for it—it is fair play. We voted huge amounts of money into this region of the world. We have horrible problems there. We have a few disagreements here, but I had hoped we could agree that the Secretary of Defense is correct when he puts limits on the use of DOD personnel.

I am very saddened by this. I do not want to keep repeating it, but it is sad. The people in this country are going to be upset about it. The people in this country, when we get involved in a foreign place, want to know that we in the Senate put restrictions on the use of our personnel.

We have had a lot of experience in this. We have had a lot of tears over this. Yet yesterday we had an amendment from Senator SESSIONS that was clearly legislation on an appropriations bill, which I believe gets us deeper involved because it says we should support the military and the political policies of the Government of Colombia, and no one raised a point of order. But a simple amendment supporting the Secretary of Defense, and where are we? We get a point of order.

I am not going to play that game. I am not going to get caught in a procedural vote. I will just let it go, but I want to make it clear that we have a lot of options later when this bill comes back. If there are going to be things in this bill that violate our parliamentary procedures, some of us are going to get tough on it. It is not right.

This is a sad day, frankly, for this Senate. It is also a sad day for our men and women in uniform that we cannot vote on a simple sense of the Senate supporting our own Secretary of Defense on his views as to how we can, in fact, make sure our people over there are as safe as they can be.

I thank the Chair. I have no need to retain any further time. We will await the decision of the Senator from Alaska.

The PRESIDING OFFICER. The time of the Senator from California has expired. Who yields time? Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I yield back the remainder of my time.

I make the point of order that the pending amendment No. 3542, as further modified, violates rule XVI as legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

Mr. LEAHY. Regular order, Mr. President.

AMENDMENT NO. 3498, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the Helms amendment No. 3498 be withdrawn.

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

Mr. BIDEN. Mr. President, by now it should come as no secret that I believe that the bill as it stands right now is inadequately funded. The foreign operations appropriation bill is one of the most important pieces of legislation we pass each year. Yet for the past several years Congress has not been devoting the necessary funds to this portion of the budget.

Due in large part to the crucial need for the Colombia supplemental I am going to vote yes on final passage. The Pastrana government urgently and desperately needs these funds to continue its fight against drug lords who are not only undermining the stability and viability of Colombia as a nation, but who are literally killing the people of two nations: Colombians through violence, and Americans through drugs. The government of Colombia deserves our help as they put their lives on the line to stop the production of illegal drugs. I think the outcome of the votes rejecting the Wellstone and Gorton amendments, which would have significantly decreased the amounts available in the supplemental, showed that the majority of my colleagues agree about the severity of the problem in that country and the necessity of U.S. aid.

During the course of this debate, we have been faced with having to make several other untenable decisions. I and my colleagues have had to come to the floor and in essence attempt to get blood from a rock. I believe that we need more money for non-proliferation, anti-terrorism, and de-mining. My colleague Senator FEINGOLD rightly believes that the amount designated for the Mozambique supplemental appropriation needs to be increased.

Senator BOXER has attempted to channel more funds towards combating HIV/AIDS and tuberculosis.

In every instance, each of us has been stymied by the fact that there is not enough money in this bill. It simply isn't there. So we are left with the option of either not attempting to raise the level of appropriations for programs that we think are important, or of using different political maneuvers, none of which is particularly effective, to get the money that we feel these programs need. We should not have to face a choice between helping victims of flooding in Mozambique, and preventing the spread of AIDS. The United States should be able to help with these activities as well as drug eradication and non-proliferation.

I spoke briefly this morning about the shortfall in the NADR accounts,

and at length yesterday about Plan Colombia. These are not the only accounts about which I am concerned. Development assistance is shortchanged, funds for voluntary peacekeeping activities fall below requested amounts, and as the Senator from Wisconsin points out, the President's request for resources to aid victims of the flooding in Mozambique is virtually ignored. I will continue to go on record as being adamantly and staunchly opposed to any attempts to undertake diplomacy on the cheap. That is what the Senate is attempting to do here. By neglecting to grant the administration's request for development assistance and economic support, we are robbing ourselves.

According to a report published in April by a nonpartisan research organization called the Center on Budget and Policy Priorities, spending on development aid—defined as all international development and humanitarian assistance, as well as economic support fund monies—measured either as a share of the federal budget or as a share of the U.S. economy, will be lower than at any time in the fifty years before 1998. The report further states that out of the countries belonging to the Organization for Economic Co-operation and Development, the United States ranked ''the lowest of all . . . OECD countries examined in the share of national resources devoted to development of poor countries.'' Some would argue that this is because the administration has not asked for enough money. I would answer that constitutionally, Congress controls the purse strings, thus we have only ourselves to blame. I suggest that we make a commitment to take corrective action, because our foreign assistance programs are vital to our national interests.

Foreign assistance helps us further international peace and security. U.S. citizens and citizens of the world benefit from programs that U.S. assistance pays for. I spoke before about programs aimed at keeping Russian scientists from being employed by states intent on developing nuclear and biological weapons of mass destruction. I am sure that we can all agree that keeping these scientists out of countries such as Iraq makes for a safer world.

When the United States provides assistance to Colombia for crop substitution programs, it is the citizens of the United States who benefit. Less drug production means less drugs on the streets of our neighborhoods. When the United States funds vaccines for infectious diseases such as tuberculosis, we are helping to protect our own citizens from being infected by these illnesses.

Every time United States economic support funds help bolster a new democracy, we widen America's sphere of influence in the hopes of increasing security for the United States. And the preceding represent only a few of the ways in which our foreign assistance aids in promoting our national security. I could go on at length about the positive effects of aid to the Middle East, Russia, and Eastern Europe. Programs in these regions have prevented conflict, helped build economic and financial infrastructure, and combated transnational crime and corruption.

Let me conclude by saying this: our foreign assistance is a preventative tool. The idea behind it is to aid in building a community of like-minded states, states free of internal conflict, states that get along with their neighbors. If we are able to do that, if we are successful with our preventative tools in increasing security, then we will never have to use our corrective tool—that of military action—to achieve security. Think about that. If prevention works, correction is not necessary. Given the sentiments of some Members of this chamber about the commitment of our soldiers overseas, doesn't it make sense to make every effort to prevent our troops from having to deploy?

Some of my colleagues urge frugality in our foreign assistance spending. I agree with the notion that Congress should spend wisely. However I would caution against an approach that is penny-wise and pound foolish. Mr. President, I cannot emphasize this point enough, and it brings back to what I said at the beginning of my remarks: We cannot obtain security on the cheap. By stinting on our foreign assistance programs we are shortchanging our national security.

As the administration indicated in their statement regarding this bill, if the sum appropriated for our foreign operations is not increased, the President will have no choice but to veto this legislation. I sincerely hope that as the fiscal year comes to a close, the allocation for the foreign operations appropriation is significantly increased, and conferees distribute any additional amounts wisely.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today in support of the Baucus-Roberts amendment to engage China on the important issue of rapid industrialization and the environment. The amendment would permit appropriated funds for the US-Asia Environmental Partnership (USAEP)—an initiative of the U.S. Agency for International Development (USAID)—to be used for environmental projects in the People's Republic of China (PRC). In other words, the U.S. government would finally be able to, for example, help U.S. businesses connect with provincial and municipal governments in China to initiate badly needed environmental engineering projects. This work is necessary to attempt to prevent a possible long-term environmental catastrophe resulting from intense industrialization and development in the PRC and Asia in general.

Why should one care whether Chinese or Asian people breath clean air or drink clean water? Besides the obvious humanitarian concern, a ruined environment throughout Asia will—at some point—effect us here in the United States and our interests. This is common sense.

The Baucus-Roberts amendment also sends a strong pro-engagement message to the PRC since the U.S. excluded de jure or de facto the PRC from U.S. foreign aid programs with passage and signing of the FY 90–FY 91 State Department Authorization, specifically section 902 of H.R. 3792.

Our government purports to be concerned about global environmental issues, Mr. President, about avoiding contamination of the world's water, air, and soil. Yet, we prohibit ourselves from consulting and cooperating on a government to government basis with the one nation with the greatest potential to impact the world's environment over the next 50 to 100 years. That makes no sense.

What is the United States-Asia Environmental Partnership? It is a public-private initiative implemented by the U.S. Agency for International Development (USAID). Its aim is to encourage environmentally sustainable development in Asia as that region industrializes at a phenomenal rate. By ''environmentally sustainable development,'' we mean industrial and urban development that does not irreparably damage the air, water, and soil necessary for life. It's really that simple. US-AEP currently works with governments and industries in Hong Kong, India, Indonesia, Korea, Malaysia, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam. In creating US-AEP, the U.S. government recognized the long-term environmental hazards of Asia's rapid industrialization and the need for the U.S. government to engage on the issue.

The program provides grants to U.S. companies for the purpose of facilitating the transfer of environmentally sound and energy-efficient technologies to the Asia/Pacific region. Again, the objective is to address the pollution and health challenges of rapid industrialization while stimulating demand for U.S. technologies. In cooperation with the U.S. Department of Commerce, US-AEP has placed Environmental Technology Representatives in 11 Asian countries to identify trade opportunities for U.S. companies and coordinate meetings between potential Asian and U.S. business partners.

Mr. President, on the basic issue of the global environmental impact of Asian industrialization, specifically Chinese modernization, the Senate has the responsibility to authorize at least some cooperation between Beijing and Washington. I ask for my colleague's

support for this common sense amendment.

Mr. KENNEDY. Mr. President, I would like to speak about one of the most important parts of the proposed aid package for Colombia, the human rights conditions.

Narcotics traffickers, rebel forces, and paramilitary groups present a clear threat to democracy and economic development in Colombia. The bill before us provides $934 million to help the Colombian Government meet this threat. About 75 percent of this aid is for military equipment, training, and logistical support. The Colombian Government says it needs this military assistance—especially the helicopters—to enable its armed forces to retake the southern part of the country from the narcotraffickers and the rebel forces who protect and profit from their activities.

Like my colleagues, I am interested in ensuring that this aid does not contribute to human rights abuses. While allegations of human rights violations by military personnel have decreased in the past several years, the State Department's 1999 Country Report on Human Rights Practices concluded that the Colombian Government's human rights record ''remained poor'' and that ''armed forces and the police committed numerous, serious violations of human rights throughout the year.'' The Colombian Armed Forces are consistently and credibly linked to illegal paramilitary groups, which are now responsible for the majority of serious human rights abuses in Colombia, including an estimated 153 massacres in 1999 which claimed 889 lives. These paramilitary groups have stepped up their own illegal narcotics operations, which, according to the Drug Enforcement Administration, include drug trafficking abroad.

When I met with President Pastrana last December, he emphasized his commitment to improving the human rights performance of the Colombian Armed Forces, which have a long history of human rights violations. The bill before us makes this commitment the basis for new military assistance to Colombia. The bill requires the Secretary of State to certify that the Colombian Government has met or is meeting four conditions before new military aid can be provided.

The first condition requires the Secretary of State to certify that the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional Court.

Currently, the military justice system does not aggressively or consistently pursue cases against high-ranking military personnel accused of human rights abuses. The 1999 State Department Human Rights Report states that ''authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem.'' It concludes that the ''workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice.''

To rectify this problem, in August 1997, Colombia's Constitutional Court ruled that ''crimes against humanity'' could never be considered acts of military service and that military personnel alleged to have committed such crimes must be prosecuted in civilian courts. However, the military has consistently challenged civilian court jurisdiction. The military has retained jurisdiction by threatening government investigators and by arguing that alleged violations of human rights, such as collusion with paramilitary groups, are simply acts of omission. Acts of omission are considered acts of military service, as if they were simple dereliction of duty. Most importantly, the military continues to retain jurisdiction in human rights by relying on the support of a pro-military block within the Superior Judicial Council, the body responsible for determining the jurisdiction of individual cases.

The U.S. Government has said that these practices undercut the intent of the Constitutional Court ruling. According to the 1999 State Department Human Rights Report, the Superior Judicial Council ''regularly employed an extremely broad definition of acts of service, thus ensuring that uniformed defendants of any rank, particularly the most senior, were tried in military tribunals.'' In the 8 years the Superior Judicial Council has existed, it has never sent a case of a general accused of a human rights violation to a civilian court.

As a result of these practices, the military has retained jurisdiction even in cases of the most egregious atrocities. For example, dozens of civilians were killed, and thousands were forced to flee for their lives, in the town of Mapiripan in July 1997. The Superior Judicial Council ruled that the case involved an act of omission by General Jaime Uscategui. Therefore, as an act of military service, it belonged before a military court. The General was eventually forced to resign, but he has yet to be prosecuted for his crimes.

The Colombian Armed Forces have claimed that they are abiding by the Constitutional Court ruling and accepting civilian court jurisdiction in human rights cases. However, a careful analysis of the military's own statistics demonstrates the opposite. In a recent publication on human rights, Colombia's Defense Ministry asserts that, pursuant to the 1997 Constitutional Court ruling, the Colombian Armed Forces had turned over 576 cases of possible human rights violations to civilian courts for investigation and possible prosecution. For 3 months my office has tried to obtain a breakdown of this number in order to determine the nature of the crimes committed, the number of these cases that were actually prosecuted, and the rank of the personnel involved. To date, the Colombian Defense Ministry has only documented 103 of the 576 cases. Of these 103 cases, only 39 actually involved human rights violations by members of the Armed Forces. The highest ranking officials were two lieutenant colonels. The remaining 64 cases involved abuses by members of the Colombian National Police or common crimes. In other words, the Colombian Defense Ministry grossly misrepresented its record. In fact, the Colombian Armed Forces have transferred only 39 cases of human rights violations, committed by low level officials, to civilian courts in the past 2 years—not the 576 cases that the Colombian Defense Ministry claimed.

Colombian lawyers have analyzed this matter. The highly respected Colombian Commission of Jurists concluded that the requirement in the amendment that the President issue a written directive requiring the military to accept civilian jurisdiction in human rights cases is consistent with President Pastrana's role as Commander-in-Chief of the Armed Forces. In fact, the Commission recently filed a petition with President Pastrana requesting that, as Commander-in-Chief, he order the military to cease disputing jurisdiction in cases involving credible allegations of human rights abuse. This requirement does not compromise the integrity of Colombia's separation of powers or the independence of the executive and judiciary. To the contrary, it would uphold the judiciary's power by obligating the military to abide by civilian rule and the law.

The second condition contained in this bill requires the Secretary of State to certify that the Commander General of the Armed Forces is promptly suspending from duty any Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups.

Currently, there is no automatic process for suspending a member of the Colombian Armed Forces alleged to have violated human rights. The case of Colombian Senator Manuel Cepeda is illustrative. Senator Cepeda was murdered in 1994. The investigation carried out by the Attorney General's Office revealed that the murder had been carried out by the military in collusion with paramilitary groups. Nevertheless, the accused officers remained on active duty for five years, from 1994 until 1999, when they were finally suspended as a result of vigorous

protests by the human rights community.

In contrast, General Serrano, who just recently resigned as head of the National Police, had the authority to suspend police suspected of corruption, human rights abuses, or other misconduct. To his credit, General Serrano discharged over 11,000 officers since taking command in 1994.

This condition supports the recent actions of the Colombian Congress. On March 15, the Colombian Congress passed a law to restructure the Armed Forces, including granting the Armed Forces Commander the authority to suspend Armed Forces personnel suspected of misconduct. President Pastrana was given 6 months, until September, to issue the necessary implementing decrees. If he does not, the law becomes null and void.

The third condition contained in the bill requires the Secretary of State to certify that the Colombian Armed Forces and its Commander General are fully complying with the provisions regarding prosecution and suspension of Armed Forces personnel credibly alleged to have committed gross violations of human rights. The Colombian Armed Forces must also cooperate fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed such crimes.

As I discussed earlier, the Colombian Armed Forces have consistently resisted the 1997 Constitutional Court's ruling that transfers jurisdiction for human rights cases from military to civilian courts. They have failed to ensure that Armed Forces personnel who are credibly alleged to have committed human rights abuses are investigated, prosecuted, and punished in the civilian courts. They have resisted suspending military personnel who are alleged to be involved in human rights violations or to have collaborated with paramilitary groups. And they have grossly misrepresented their record, claiming that 576 human rights cases involving Armed Forces personnel were transferred to civilian courts when, in fact, only 39 cases of human rights violations were transferred—and those cases involved low level officials.

The fourth condition contained in the bill requires the Secretary of State to certify that the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

According to the 1999 State Department Human Rights Report, paramilitary groups accounted for about 78 percent of human rights abuses in 1999. In a rare televised interview, notorious paramilitary leader Carlos Castaño recently admitted that cocaine and heroin fund an entire unit of 3,200 paramilitary fighters. Overall, he said that 70 percent of his war chest is culled from drug trafficking.

Despite President Pastrana's commitment to eliminate ties between the Colombian Armed Forces and paramilitary groups, the State Department, the United Nations, and human rights groups have documented continuing links. The 1999 State Department Human Rights Report stated that the Armed Forces and National Police sometimes ''tacitly tolerated'' or ''aided and abetted'' the activities of paramilitary groups. According to the report, ''in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police.'' The report also concluded that ''security forces regularly failed to confront paramilitary groups.'' The fact that Carlos Castano appeared on Colombian television in March, but remains invisible to Colombian law enforcement agencies, demonstrates the impunity with which he is able to operate in Colombia.

Human Rights Watch has documented links between military and paramilitary groups. These links are not only in isolated, rural areas but in Colombia's principal cities. According to evidence collected by Human Rights Watch, half of Colombia's 18 brigade-level units are linked to paramilitary activity.

The Colombian military has resisted investigating these links. Instead of investigating a credible allegation of military collaboration with paramilitary groups in a civilian massacre that occurred in the town of San Jose de Apartado on February 19, 2000, the Commander of the 17th Brigade filed suit against the non-governmental organization that made these allegations, charging that it had ''impugned'' the honor of the military. If the Colombian Government is serious about severing the links between military and paramilitary groups, it must demonstrate, at all levels of government and the military, that these allegations will be investigated promptly and punished seriously. These links must be severed if the Colombian Government, with United States assistance, is to mount a successful counternarcotics campaign and stop the violence committed by illegal paramilitary groups. If these links are not severed, our Government will be complicit in the abuses.

I recently met with Colombian Senator Piedad Cordoba, the chairman of the Colombian Senate's Human Rights Committee. She personally witnessed this military-paramilitary cooperation during her May 1999 kidnapping by paramilitary leader Carlos Castano. Senator Cordoba told me that the kidnappers' car passed through eight military roadblocks without being stopped or searched. She said that the helicopter that took her to the jungle camp where she was held landed at an airstrip just a few miles from a military base. She told me that Castano boasted when he showed her transcripts of her private telephone conversations, transcripts that he could have only obtained from military intelligence sources.

The strong human rights conditions contained in this bill will ensure that the Colombian Government takes concrete steps to prosecute and punish military personnel alleged to have committed human rights abuses or to have collaborated with paramilitary groups. I commend Senators MCCONNELL and LEAHY for including this language in the bill. The conditions will also encourage the Colombian Government to arrest and prosecute at least some paramilitary leaders and members.

During the conference on this bill, I urge the Senate conferees to insist on retaining these strong and well-considered conditions. The conditions contained in the House version of the bill, while certainly well-intentioned, are both weak and inconsistent with Colombia's Constitution. For example, the requirement to create a Judge Advocate General Corps within the Armed Forces to investigate human rights abuses is contrary to the 1997 ruling of Colombia's Constitutional Court that requires the investigation and prosecution of these abuses in the civilian justice system. The House provision regarding a Presidential waiver of the human rights conditions in case of ''extraordinary circumstances'' seriously degrades the importance of human rights as a fundamental principle of U.S. foreign policy—a principle shared on a bipartisan basis over many years. The protection of human rights should not be a ''waivable'' foreign policy objective. It should be enforced with the same vigor as our anti-drug goals. I ask unanimous consent that a copy of a May 11 letter from Human Rights Watch on the House provisions be included in the RECORD at the end of my remarks. This letter reflects the strong opposition of the human rights community to these House provisions.

Two years ago, the Robert F. Kennedy Memorial presented its annual Human Rights Award to four Colombians who are leaders of grassroots efforts to defend human rights in Colombia. These Human Rights Laureates—Jaime Prieto Méndez, Mario Humberto Calixto, Gloria Inés Flórez Schneider, and Berenice Celeyta Alayón—represented groups that fight for human rights, the rights of displaced persons, and the rights of political prisoners. These courageous individuals, and thousands of others like them throughout Colombia, risk their lives every

day. They need and deserve our support. The conditions included in this bill are for them. The conditions are also for us. They will guard against America's complicity in human rights violations in Colombia.

Mr. KERRY. Mr. President, I have followed the issue of narcotrafficking and other international crimes for years, particularly during my tenure as chairman of the Subcommittee on International Operations, Narcotics and Terrorism. Although I have many concerns about this piece of legislation, I believe we have a chance here to provide support to a Colombian administration trying to address its largest problem—drug trafficking.

The line between counternarcotics and counterinsurgency is not at all clear in Colombia, but we cannot let this stop our extension of aid. Withholding aid is not an option. In doing so, we would send the message to Colombia, our important ally in the war on drugs, that when the going gets tough, they must go it alone. We must be very clear: the terrible human rights conditions in Colombia are inextricably tied to the narcoterrorists. That won't change overnight with our support of this assistance package, but it won't change at all without our help. And just as important as our support for this package will be our continuing oversight of its implementation. If human rights abuses continue, or if we begin to get embroiled in the counterinsurgency efforts, the Senate must remain vigilant, ending the program if necessary. But we cannot simply turn our backs and walk away.

Civil conflict in Colombia has worn on for half a century as the government has fought narcoterrorists for control of the country. Opposition groups such as the Revolutionary Armed Forces of Colombia [FARC] and the National Liberation Army has made a business of guerrilla warfare and continue to terrorize the civilian population. Paramilitary groups, formed in the 1980's as anti-guerrilla forces, have resorted to many of the same terror tactics. Opposition and paramilitary groups control much of the country and the vast majority of the drug producing areas. It is clear that drug money fuels the fighting. In the last decade, this conflict has claimed over 35,000 lives and has created a population of over a million and a half internally displaced persons.

Colombian President Andres Pastrana, in sharp contrast to his recent predecessor, is trying to improve human rights conditions and promote democracy, under extremely difficult conditions. Under Pastrana, the Colombian Government has begun the first peace talks ever with the FARC. Though the talks have been slow moving and have encountered setbacks, Pastrana has clearly made the peace process a top priority.

Plan Colombia was developed by President Pastrana as a comprehensive approach to strengthening the Colombian economy and promoting democracy, with heavy emphasis on fighting drug trafficking. In my view, any successful approach to Colombia's myriad of problems will require a strong counterdrug effort. The United States contribution to Plan Colombia, as proposed by the administration, does this.

Let us be clear, however, that the drug trade in Colombia is not simply a Colombian problem. The United States is the largest and most reliable market for the Colombian cocaine and heroin that is at the center of this conflict. We have approximately 5.8 million cocaine users and 1.4. million heroin users. Based on the most recent National Household Survey on Drug Abuse estimates, fourteen million Americans are current drug users. Clearly we are making a large contribution to the problem and should therefore contribute to finding a solution.

The United States must seize the opportunity presented by President Pastrana's current efforts to fight drug trafficking and bring stability to Colombia. This legislation offers us a chance to play a constructive role in Colombia while simultaneously promoting American interests.

The Plan addresses the major components of the problem. ''Push into Southern Colombia'' is designated to affect the major growing and production areas in the South. It provides for the training of special dedicated narcotics battalions, and the purchase of helicopters for troop transport and interdiction. To complement this effort, interdiction tools will also be upgraded, including aircraft, airfields, early warning radar and intelligence gathering. The Plan also provides increased funding for eradication of coca and poppy, and the promotion of alternative crop development and employment. Perhaps most importantly, the Plan calls for and provides resources for increasing protection of human rights, expanding the rule of law, and promoting the peace process.

As I outlined earlier, Colombia's situation is bleak, and this may be its last chance to begin to dig its way out. If we fail to support aid to Colombia, we can only sit back and watch it deteriorate even further. This Plan presents a unique opportunity to support the Colombian Government's effort to address its problems while at the same time promoting U.S. interests. The Colombian Government, despite immense obstacles, has begun to address significant human rights concerns and is working to instill the rule of law and democratic institutions. Though the United States is not in the business of fighting insurgents, we are in the business of fighting drugs, and this is clearly an opportunity to work with a willing partner in doing so.

While I support a United States contribution to helping Colombia, I believe that if we are going to commit, we must do so in the context of an ongoing process under constant review to respond to changing needs.

My first concern is the fine line that exists between counternarcotics and counterinsurgency operations, particularly since they are so intertwined in Colombia. It is impossible to attack drug trafficking in Colombia without seriously undercutting the insurgents' operations. We must acknowledge that the more involved in Colombia's counternarcotics efforts we become the more we will become involved in its counterinsurgency, regardless of our intentions to steer clear of it. But, because the drug trade is the most destabilizing factor in Colombia, our cooperation with the government will over the long run, advance the development and expansion of democracy, and will limit the insurgents' ability to terrorize the civilian population. But our military involvement in Colombia should go no further than this. Efforts to limit number of personnel are designed to address this.

I appreciate the concerns expressed by my colleagues that the United States contribution to Plan Colombia is skewed in favor of the military, but we must keep in mind that our contribution is only a percentage of the total Plan. The total Plan Colombia price tag is approximately $7.5 billion. The Colombian Government has already committed $4 billion to the Plan, and has secured donations and loans from the International Monetary Fund, the Inter-American Development Bank, the World Bank, the Andean Development Corporation, and the Latin American Reserve Fund. As part of our contribution, and to balance military aid, the United States must continue to support Colombian requests for additional funding from international financial institutions and other EU donors. We must also continue to implement stringent human rights vetting and end-use monitoring agreements, and make sure that our Colombia policy does not end with the extension of aid.

Second, I am concerned that even if the Plan is successful at destroying coca production and reducing the northward flow of drugs, large numbers of coca farmers will be displaced, worsening the current crisis of internally displaced people in Colombia. Colombia has the largest population of internally displaced persons in the world, estimated at over one and half million in November 1999. Seventy percent of those displaced are children, and the vast majority of them no longer attend school. There is every indication that as Plan Colombia is implemented, this population may grow. This problem underscores the importance of supporting

the Colombians in their efforts to secure economic aid for alternative development. Unless we strongly support loans and additional donations, the danger remains that desperate farmers will simply move across the borders into Peru and Bolivia, and undo all the eradication progress that has been made in those areas.

My third major concern with respect to this aid package is that it does not adequately address Colombia's human rights problem. The Colombian Government has made a real effort to address human rights and to promote the rule of law. Pastrana has worked to root out members of the military who have committed gross violations of human rights, and has suspended a number of high-level officers. He has also attacked corruption in the legislature, and has come under heavy fire for doing so. Despite this progress, there is no question that recent events in Colombia have raised some cause for concern. The Colombian Government's unfortunate decision to send back to the legislature a bill to criminalize genocide and forced disappearance was a significant setback for the promotion of human rights and the rule of law. I would like to commend my colleagues on the Foreign Operations Subcommittee for bolstering the human rights component of this legislation. In addition to requiring additional reporting from the Secretary of State on the human rights practices of the Colombian security forces, Senator LEAHY's provisions for human rights programs in the Colombian police and judiciary, a witness protection program and additional human rights monitors in our embassy and Bogota, and Senator HARKIN's provision to provide $5 million to Colombian NGOs to protect child soldiers, demonstrate our commitment to improving the human rights situation.

Despite my reservations, the potential benefits of this plan are too large to ignore. In light of the changes made by the committee, I believe the plan can help advance United States interests by reducing drug trafficking and thereby promoting stability and democracy in Colombia. We must now work to ensure that our concerns do not become realities. Recognizing that we are not the sole contributors to this Plan, we must support Colombia's requests for additional aid from our allies, and work closely with them to ensure that additional aid complements our efforts in the areas of human rights and strengthening the rule of law. The committee report recognizes the importance of reducing the drug trade first to build confidence among the Colombian people that progress can be made in other important areas such as economic development and democracy.

Plan Colombia's counterdrug focus will also benefit the United States by reducing the flow of drugs to the United States. The United States is faced with a serious drug problem which must be attacked at both ends—supply and demand. Our consideration of counterdrug aid to Colombia should force us to look inward, reexamine our domestic counterdrug plan, and find ways strengthen it.

The United States has long been the cocaine traffickers' largest and most reliable market, fueling continued and expanded cultivation and production. Without addressing the problem here at home, we present no reason to expect that the growers and traffickers will not continue to shift their operations to maintain access to their best market.

Increasing funding and expanding drug treatment and prevention programs are absolutely imperative if we are to coordinate an effective counterdrug campaign, particularly if we are to expect any real improvement in the situation in Colombia. Levels of drug abuse in the United States have remained unacceptably high, despite stepped-up interdiction efforts and increased penalties for drug offenders.

Our criminal justice system is flooded with drug offenders. Three-quarters of all prisoners can be characterized as alcohol or drug involved offenders. An estimated 16 percent of convicted jail inmates committed their offense to get money for drugs, and approximately 70 percent of prisoners were actively involved with drugs prior to their incarceration.

America's drug problem is not limited to our hardened criminals. The 1997 National Household Survey revealed that 77 million, or 36 percent of Americans aged 12 and older reported some use of an illicit drug at least once in their lifetime. The statistics in U.S. high schools are even more disturbing. According to a 1998 study by the National Institute on Drug Abuse, 54 percent of high school seniors reported that they had used an illicit drug at least once and 41.4 percent reported use of an illicit drug within the past year.

As we support Colombia's efforts to attack the sources of illegal drugs, we need to make sure we are addressing our own problems. According to recent estimates, approximately five million drug users needed immediate treatment in 1998 while only 2.1 million received it. It was also found that some populations—adolescents, women with small children, and racial and ethnic minorities—are badly underserved by treatment programs. Only 37 percent of substance-abusing mothers of minors received treatment in 1997. Drug offenders, when released from jail, are often not ready or equipped to deal with a return to social pressures and many return to their old habits if they are not provided with effective treatment while incarcerated and the social safety net they so desperately need upon release.

It is clear that drug treatment works, and there is no excuse for the high numbers of addicts who have been unable to receive treatment. As we increase funding for supply reduction programs in Colombia, we must increase funding for treatment to balance and complement it. Drug research has made significant strides in recent years, and there are a variety of treatment options now available to help even the most hardcore addicts. These treatments have been successful in the lab studies. Now we must allow these methods to be successful in helping the population for whom they were developed. Access to drug abuse treatment in the United States is abysmal when compared to the resources we have to provide it.

The administration's Office of National Drug Control Policy argues that a balanced approach that addresses both demand reduction and cutting off supply at the source is necessary to significantly reduce drug abuse in America. While Plan Colombia works to cut off the drug supply, we must balance that with increased funding for drug abuse prevention and better treatment programs that reach more of the population that so desperately needs it.

Plan Colombia is an opportunity to help an important ally attack the sources of illegal drug production reduce the flow of cocaine and heroin to the United States. The United States must stay engaged with the Pastrana government and support its critical efforts to combat drug trafficking. Instead of being limited by our reservations, we must use them to carefully craft a policy that addresses economic development, political stability, human rights and the rule of law. Drug trafficking is the major obstacle to the advancement of these goals, and it must be curbed if any progress is to be made in our drug war at home.

AMENDMENT NO. 3546

Mr. REID. Mr. President, in the capital city of India, a woman is burned to death every 12 hours. Earlier this week, NPR reported the story of a courageous survivor of a phenomenon that is commonly referred to as ''dowry deaths.'' Joti Dowan was held prisoner by her husband and mother-in-law for two years because she refused to ask her mother for a $1,000 dowry.

Locked in a tiny room, isolated from friends and family, and rationed only two pieces of bread a day, Joti weighed only 55 pounds when authorities found her. Frequent beatings and malnutrition left her too weak to stand without help. A long scar covers her arm because, at one point during her torture, her husband and his family tried to kill her by dousing her with kerosene. It was only because they feared her screams would alert the neighbors that they extinguished the fire.

Shelanie Agerwall was shot and killed by her husband when he became dissatisfied with the new car that originally came with her dowry. He

traded in the vehicle for a more expensive one and demanded his wife's family compensate him for the extra cost. When Shelanie Agerwall's family did not pay him quickly enough, he murdered her.

Death resulting from dowry disputes are on the rise. In 1998, 12,600 women in India were victims of dowry deaths—a 15 percent increase from the previous year. Burning a woman to death is the most common form of dowry death. Commonly referred to as ''bride burning,'' women are doused with kerosene and lit on fire. In many cases, their murder is planned to look like a cooking accident.

The law provides little or no support for the victims of dowry disputes. Corruption is rampant throughout the system—police are bribed by the husbands' families to destroy evidence, doctors are persuaded to change their testimony, and the legal system rarely convicts husbands and families guilty of dowry deaths.

Dowry has evolved from a custom to a form of extortion. The demand for quick money to buy consumer goods has increased the demands for so-called ''dowries'' throughout India. As a result, the use of dowries has spread to communities which never before had a dowry custom. The growing middle class has been met by eager manufacturers. Conspicuous consumption demands greater dowry payments.

In April, a 29-year-old Pakistani woman was shot dead in the law office of a leading human rights activist. Her parents had ordered the killing because she had shamed the family by seeking a divorce.

Perveen Aktar, a 37-year-old woman living in Pakistan, was severely burned in September when her husband, a fruit peddler, threw acid on her. According to Aktar, whose face, back, and chest are badly scarred, her husband wanted to return to his first wife, and she refused. She went to the police, but her husband paid them a series of bribes, and they did not investigate.

These women's struggles are a part of a larger epidemic of ''honor killings''—or culturally sanctioned killing of women in the name of preserving a family's honor. ''Honor crimes'' remain a serious problem in many countries, including: Pakistan, Saudi Arabia, Turkey and Egypt.

Few statistics are available on honor crimes, but the independent Human Rights Commission of Pakistan reported that in 1998 and 1999, more than 850 women were killed by their husbands, brothers, fathers or other relatives in Punjab, Pakistan's most populous province.

In many of those cases, the woman was suspected of what was considered ''immoral behavior.'' According to lawyers and women's rights advocates, many such cases are never brought to trial. Police are easily bribed or persuaded by the men's families to dismiss the complaints as ''domestic accidents.''

Some say that the problems of ''dowry deaths'' and ''honor killings'' are cultural. These problems are criminal, not cultural, and we have an obligation to do something about it.

The amendment I offered would encourage the Secretary of State to meet with representatives from countries that have a high incidence of ''dowry deaths'' and ''honor killings'' to assess ways to work together to increase awareness about these problems and to develop strategies to end these practices.

The United States, as a world leader, needs to realize its influence in the world. I do not believe it is our place to go into other countries and dictate their traditions. But at the same time, we need to send a message to those countries that condone the brutal killings of innocent women.

INTERNATIONAL RULE OF LAW PROGRAM IN CHINA

Mr. SCHUMER. Mr. President, will my good friend, the senior Senator from Pennsylvania, yield for a question?

Mr. SPECTER. I am pleased to yield to my friend the Senator from New York.

Mr. SCHUMER. I note in the committee's report that $2 million is being designated for the creation of an International Rule of Law Program in China. The report states that the U.S. Agency for International Development is requested to give serious consideration to the proposal of Temple University Law School in cooperation with New York University Law School to establish a Business Law Center in China.

Mr. SPECTER. That is correct. It is the intention of the committee to support these two prestigious institutions in building upon the very important Temple University Masters of Law Program in Beijing, which is the first and only foreign law degree-granting program in China. After reviewing the case of Yongyi Song, a librarian at Dickinson College in Pennsylvania who was released in January after being held under dubious charges in China, I believe the U.S. Congress should support programs that advance the rule of law in China. At a time when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that the government of the PRC will respect basic norms for due process such as an open public trial and the right to confer with counsel. International Rule of Programs such as the Temple University/NYU Program are important means to build understanding and respect for these basic norms in the Chinese legal community.

Mr. SCHUMER. I agree that this is an important program which the Congress should support, and it is my hope that this funding will be maintained as the bill goes to conference with the House. I have one further question. Is it the committee's intention that the U.S. Agency for International Development provide the full amount of this funding to an individual rule of law program in the People's Republic of China, such as the program by Temple University, in cooperation with New York University, for the creation of their Business Law Center in China?

Mr. SPECTER. That is correct. I certainly encourage AID to release the full funding as designated in the committee's report.

Mr. SCHUMER. I thank my good friend for his helpful clarification.

AMENDMENT NO. 3547

Mr. REID. Mr. President, over the years, I have come to the Senate floor on many occasions to talk about female genital mutilation (FGM). Still, it is very difficult for me to stand here and talk about something as repulsive, as cruel and as unusual as the practice of FGM. But ignoring this issue because of the discomfort it causes us does nothing but perpetuate the silent acquiescence of its practice.

For those who are unfamiliar with this ritual, FGM is the cutting away of the female genitals and then sewing up the opening, leaving only a small hole for urine and menstrual flow. In many cases, the girl's legs are bound together for weeks while a permanent scar forms. It is performed on girls between the ages of 4 and 12.

This is a practice that has been around for thousands of years and is not going to go away overnight. We need to continue to talk about it and insist upon aggressive education of the African communities that practice it, as well as the implementation of laws prohibiting it.

Several years ago, I passed legislation that requires the Health and Human Services Secretary to identify and compile data on immigrant communities in the United States who are practicing FGM. I worked to pass legislation, that is now law, to make criminal the practice of FGM in the United States.

I have offered two amendments that would keep the United States focused on its work to eliminate FGM abroad. One amendment would allow US AID (US Agency for International Development) to spend up to $1.5 million on its activities to eradicate FGM. My second amendment requires the Secretary of State to further study FGM and to submit her findings along with a set of recommendations on how the United States can best work to eliminate the practice of FGM to Congress by June 1, 2001.

US AID has a long history of supporting the eradication of FGM, however, it still has a long way to go. In 1995, Congress mandated that US AID

dedicate one million dollars to efforts to end FGM. Since 1995, funding for this program has fluctuated from a low level of $500,000 per year to a high level of $800,000 per year. My amendment will restore funding to this important program.

It is estimated that 130 million girls are genitally mutilated. Every year, two million girls face FGM—that's 6,000 girls every day.

Last year, I met with Waris Dirie, an activist and supermodel, who serves as a special ambassador for the Elimination of FGM for the United Nations Population Fund. A native of Somalia and born to a nomadic family, Ms. Dirie survived the traditional form of FGM that kills hundreds of women every year—her younger sister and two cousins died from the procedure. At age 13, just before she was to be married off to an elderly man, Ms. Dirie ran away from home. She has left the glamour of the fashion world to speak out and work to eradicate this heinous procedure.

As Ms. Dirie will tell you, the initial operation leads to many health complications that will plague the girl throughout her life—if she does not bleed to death during the procedure. But the immediate health risks are not over after a couple of months or even a couple of years after the operation. When a girl is married, her husband either has to force himself upon her, or re-cut her in order to have sexual intercourse.

During child birth, additional cutting and stitching takes place with each birth. All of this re-cutting and stitching creates tough scar tissue. The procedure is usually performed by female laypeople and is most often performed with a razor, knife, or even a piece of glass.

Often, we refer to FGM as a women's issue, but this needs to be seen as a child abuse issue as well. A four year-old girl does not have the ability to consent or to understand the significance and the consequence this ritual will have on her life, on her health, or on her dignity. Young girls are tied and held down, they scream in pain and are not only physically scarred, they are emotionally scarred for life.

We know a lot about the psychological effects of child abuse from studying children of domestic abuse in the United States. Imagine the psychological effect this must have on children from the initial operation throughout adulthood. The health complications are a constant reminder of the mutilation they endured.

I understand that this custom is deeply embedded in African culture. However, that does not mean we should pretend it is not happening. According to a report by Amnesty International, FGM is practiced in African countries where it has already been criminalized. In some of these countries, over 90% of the women undergo FGM, in spite of laws prohibiting it.

This is a cruel and tortuous procedure performed on young girls against their will. The United States must make all efforts to condemn and to curb this practice.

Mr. LAUTENBERG. Mr. President, I rise to speak about the fiscal year 2001 Foreign Operations Appropriations bill, which has been moved to third reading.

Most immediately, the supplemental emergency funding for Assistance to Plan Colombia—requested by the President at the beginning of the year, and passed by the House months ago—can finally be included in the Military Construction Appropriations bill already in Conference.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combatting drug production and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

Mr. President, I recently visited Colombia to assess what our aid could accomplish. I went to see the scope of drug crop cultivation and processing, to look into the political context, the human rights situation, the goals of the Pastrana Government, and to assess the capabilities of the military and the police.

I went with an open mind, though I was concerned about the horrendous abuses of human rights and with the effects of Colombian cocaine and heroin on the streets of New Jersey and other states.

I left Colombia convinced that we can help Colombia and help America by cooperating in the fight against drug production, trafficking, and use. Let me briefly share a few of my observations and conclusions:

Aid for Plan Colombia is strongly in the U.S. interest. While there can be legitimate differences of opinion about the exact content of the aid package, we must use the opportunity to cooperate with a fellow democracy to fight the scourge of drugs which harms both our people.

This is a genuine emergency and should be funded as such. Drug crop eradication, training, and counter-narcotics military and police operations have been curtailed for lack of funds. Other elements of the package—like helicopters and alternative development aid—have longer lead times, but the process cannot start until the funds are passed.

Every week we delay, 1,000 more acres of coca are planted, so the problem grows ever larger and narcotics-trafficking groups grow stronger.

Colombia's political will is strong. While the political situation in Colombia is uncertain, President Pastrana and the Colombian Congress have backed away from forcing early elections and appear to be working out their differences. But the Colombian people and their elected representatives want an end to the violence.

They support peace negotiations with the FARC and ELN guerrillas. And they know the violence will not end as long as it is fueled by drug trafficking and its dirty proceeds.

The U.S. and Colombia have a symbiosis of interest in combating drug production and trafficking.

While the Colombians mainly want to end financial support for various armed groups, they are highly motivated to cooperate with our main goal—eliminating a major source of narcotics destined for the United States.

Colombia's military and police need reform and assistance. I was appalled to learn that any conscript with a high school education is exempt from combat duty, so only the poorest, least-educated people serve in front-line units.

Moreover, the standards of training for most military personnel are quite low, and the NCO corps is particularly weak. Colombia needs to accelerate military reforms, some of which require legislation.

But the U.S. can also help a great deal by providing sound training to the Counter-Narcotics Battalions which will be most directly involved in operations supporting the Colombian National Police as they eradicate crops, destroy laboratories and processing facilities, and arrest traffickers.

We need to improve protection for human rights in Colombia. The Colombian people face very real risks of murder, kidnapping, extortion, and other heinous crimes, so they always live in fear. Hundreds of thousands of people have fled the violence. The Colombian Government—including the military and the police—take human rights issues very seriously.

We need to hold them to their commitments to make further progress, as the Senate bill language Senators KENNEDY and LEAHY and I authored would do. I was particularly impressed that the independent Prosecutor General's Office—known as the Fiscalia —is firmly committed to prosecuting criminals, particularly human rights violators.

But in meeting with Colombian human rights groups, I learned that the overwhelming majority of human rights abuses are committed by the paramilitary groups, followed by the guerrillas. Colombia must sever any remaining ties between its military and the paramilitary groups and treat them like the drug-running outlaws they are.

On the whole, winning the war on drugs in Colombia should do more to improve security and safeguard human rights than anything else we or the Colombian government can do.

Mr. President, I reluctantly opposed the Amendment offered by the Senator from Minnesota, Senator WELLSTONE.

I share his conviction that we as a country must do more to reduce the demand for illegal drugs in our society.

In 1998, the most recent year for which I have these statistics, more than 5 million Americans were chronic, hard-core users of illegal drugs.

Just over 2 million—less than half of them—received treatment. I firmly believe that we should provide drug treatment for every drug addict willing to make the tremendous effort to overcome his or her addiction. In my view, we should ensure that no one leaves our prisons—whether federal, state, or local—addicted to narcotics.

We absolutely must do more to reduce demand and thus reduce the use of dangerous drugs and reduce the terrible toll drug use and related crime takes on our society.

Where I differ with the Senator from Minnesota is that I do not believe we should undermine our Assistance for Plan Colombia to pay for increased domestic drug treatment and prevention programs.

Even if we were to fully fund the President's request for Assistance to Plan Colombia, our international programs would account for only about one-tenth of our counter-narcotics budget.

In Colombia, we have a real opportunity to work with a democratically-elected government which is committed to combating drug production and trafficking in a country which supplies most of the heroin and about 80 percent of the cocaine consumed in the United States.

In short, Mr. President, I opposed the Wellstone Amendment because I believe we need to keep working to reduce demand for drugs here in America, but not at the expense of cutting efforts to eliminate a major source of drugs to our country.

I also opposed the Amendment offered by the Senator from Washington, Senator Gorton. I voted against a similar Amendment in the Appropriations Committee, and my subsequent visit to Colombia leaves me more convinced than ever that I was right to do so.

Our vote on the Gorton Amendment was, quite simply, a vote on the proposed Assistance to Plan Colombia. We all know that President Pastrana's Plan Colombia—which includes an aggressive counternarcotics effort—could not go forward with only one hundred or two hundred million dollars in U.S. aid.

Even if the Gorton amendment had merely delayed funding, as its sponsor has argued, it would have prevented President Clinton from seizing the opportunity to act now. In my view, we have waited too long already to address a major source of the narcotics which bring so much harm on the American people.

We have a tremendous opportunity—if we are willing to devote a reasonable level of funding—to drastically curtail the production cocaine and heroin in Colombia while supporting democracy and the rule of law in that country.

I am concerned that other emergency needs have not been met.

The President requested emergency supplemental funds for Kosovo and the Southeast Europe Initiative to help bring peace and stability to that troubled region, but those funds have not been provided.

Funding for the Heavily Indebted Poor Countries, or HIPC, multilateral debt relief trust fund also was not provided, so we cannot fulfill our goals to help relieve the world's poorest countries from the crushing burdens of debt. I hope we will be able to address these deficiencies in Conference with the House on emergency supplemental appropriations.

Let me turn now to the underlying Foreign Operations Appropriations for fiscal year 2001.

As I noted when we considered this bill in Committee, I believe Subcommittee Chairman MCCONNELL and Ranking Member LEAHY, working with other Senators and aided by their capable staff, have done a good job of allocating the resources available to them.

I particularly appreciate their help to include revised language to ensure our aid in Bosnia and elsewhere in the former Yugoslavia is used to help bring war criminals to justice. I also support the creation of an account for Global Health, with increased funding for tuberculosis, AIDS, and other health challenges. And the bill fully funds support for our ally Israel and peace in the Middle East.

That said, Mr. President, I am deeply concerned that the funds provided for the Foreign Operations Subcommittee simply are not sufficient to sustain America's global leadership as we begin a new century.

President Clinton requested increased funding for international programs in fiscal year 2001, though still far less in real terms than we spent in the mid-1980s.

But the bill before us today falls about $1.7 billion short of the President's request.

Let me cite just a few examples of the cuts:

Funding for the Global Environment Facility is more than $125 million below the President's request, so our arrears will continue to mount and environmentally-sustainable development projects in poor countries will not be funded. Even the International Development Association, or IDA—the main institution known as the World Bank—is funded below last year's level and more than $85 million below the Administration's request.

While I appreciate Chairman MCCONNELL's strong funding for Central and Eastern Europe, it's not nearly enough to make up for the Kosovo supplemental which was apparently not funded.

Meanwhile, assistance to the Independent States of the former Soviet Union—many of them still at a critical stage in their economic and political transition—is $55 million below the level requested by the Administration.

The International Narcotics Control and Law Enforcement and Non-Proliferation, Anti-Terrorism and Demining accounts are each cut by nearly $100 million from the President's request.

I don't want to waste the Senate's time citing all the examples, but I hope I've made my point.

President Clinton sought a more responsible level of international affairs spending within his balanced budget, but this bill is more than 11 percent below the Administration's request.

Mr. President, I believe we need to strengthen Foreign Operations funding as this bill goes to Conference with the House. I look forward to working with my colleagues on the subcommittee to make that happen, so we can avoid having this bill vetoed.

We need to work together to achieve a responsible Foreign Operations funding level which will advance America's interest and reflect America's values around the world.

I thank the chair and yield the floor.

Mr. BYRD. Mr. President, the foreign operations appropriations bill that the Senate completed debate on today contains $934 million to launch a major counter-narcotics initiative in Colombia. Other financing attached to the Military Construction and Defense Appropriations bills boosts that total to well over a billion dollars.

This funding will enable the United States to embark on a massive ramping up of its counter-narcotics offensive in Colombia. But curiously enough, the bulk of this program is being implemented through a series of supplemental funding measures. A major anti-narcotics program in Central America, anchored on the provision of U.S. military equipment and U.S. military and State Department advisers, seems to me to be a policy issue that begs for in depth Congressional discussion and consideration. And yet, we are effectively creating it through supplemental appropriations. This may be an expedient way to deal with a difficult problem, but I question its efficacy. I wholeheartedly support aggressive counter-narcotics efforts. Illegal drugs and drug abuse are scourges on our society, and we cannot pretend that the problem will go away if we simply ignore it. But I am concerned about the large number of unanswered questions surrounding the President's plan.

I understand where the money is to be spent, and what it is to be spent on, but I am unclear as to what the results are expected to be. What precise impact is the U.S. assistance expected to

have on the production of cocaine and heroin into the United States? What impact will massive U.S. assistance to Colombia have on drug production in other Andean Ridge nations? What impact will intensified U.S. assistance to the government of Colombia's have on Colombia's internal politics and simmering civil war? And, most importantly, what impact will this initiative have on reducing drug abuse and the toll of the illegal drug trade within the United States.

Providing answers to those, and other questions, is the primary intent of a provision that I added in Committee to the foreign operations appropriations bill. My provision requires the Administration to seek and receive congressional authorization before spending any money on U.S. support for the counter-narcotics program in Colombia, called Plan Colombia, beyond the funding contained in this and other relevant spending bills. If this funding is sufficient, all well and good. But if more money is needed to prolong or expand the anti-drug effort, then Congress has a responsibility to re-evaluate the entire program. The purpose of my provision is to prevent the U.S. government from slowly but steadily increasing its participation in the anti-narcotics effort in Colombia until it finds itself embroiled in, at best, a costly and open-ended anti-drug campaign throughout the Andean Ridge, or, at worst, a bloody civil war in Colombia.

A secondary goal of my provision is to limit the number of U.S. personnel engaged in the counter-narcotics offensive in Colombia to specific levels unless Congress approves higher levels of U.S. personnel. The provision, which I modified to address concerns raised by the Defense Department, imposes a ceiling of 500 U.S. military personnel and 300 U.S. civilian contractors working on Plan Colombia in Colombia unless Congress authorizes higher levels.

In testimony before the Senate Armed Services Committee, the Defense Department indicated that it would not be opposed to troop caps. This is a prudent measure that Congress should endorse to ensure that U.S. involvement does not unwittingly spiral out of control in Colombia.

In an effort to ensure that my provision does not impede ongoing counter-narcotics operations in Colombia, I amended it to address concerns raised by the Administration regarding the availability of funds provided in the FY 2001 Defense Appropriations Bill, and the availability of relevant unobligated balances in other spending bills. My amendment protects ongoing programs without giving the Administration the green light to begin empire building in Colombia.

There are those, I am sure, who will say that my provision is too cumbersome, that we should simply handle this huge counter-narcotics offensive in the normal course of business. That, I believe, would be a dangerous course of action, one that would invite mission creep and deep entanglement in the internal affairs of Colombia.

U.S. assistance to Plan Colombia is not, and should not be, business as usual. If the Administration is sincere in its commitment to launch a major, coordinated, inter-agency offensive against the burgeoning drug industry in Colombia, then the Administration should welcome the spotlight that my provision will shine on its efforts. The Administration should welcome the extra safeguards that this language provides against unintended consequences.

Mr. President, winning the war against illegal drugs is vitally important to the future of our nation and to the future of our neighbors, but it is the responsibility of Congress to ensure that we are allocating U.S. taxpayers dollars in the most effective manner possible. Congress cannot make that determination without fully exploring the goals and potential ramifications of this effort to provide assistance to Colombia. My provision provides the minimum necessary safeguards to ensure congressional oversight of Plan Colombia. I commend the Senate for maintaining the integrity and the intent of this provision.

Mr. SARBANES. Mr. President, I am pleased to join with several of my colleagues, including Senator CHAFEE, Senator MACK, Senator BIDEN, and Senator LEAHY in sponsoring this Sense of the Senate amendment to the Foreign Operations Appropriations Bill. I am also very pleased that agreement has been reached for the amendment to be accepted. The amendment calls on the Senate to support full authorization and funding for international debt relief. I worked with Senator MACK last year in introducing the ''Debt Relief for Poor Countries Act of 1999,'' and am glad to work with him again on this important issue.

The purpose of this amendment is to highlight one of the major shortcomings in the Foreign Operations Appropriations Bill, as reported out of Committee, which only included $75 million for the purposes of debt relief. That allocation falls far short of what the Administration has requested and what is needed to meet our obligations to the HIPC (Heavily Indebted Poor Countries) trust fund and bilateral debt relief commitments. The Administration has requested $210 million for FY 2000 for HIPC and $225 million for FY 2001 ($150 million to HIPC and $75 million for bilateral debt relief). This money is necessary for us to meet our commitments to the HIPC trust fund, estimated at $600 million over the next three years, and our commitments to bilateral debt reductions, estimated at $375 million over the same period.

The Administration has also requested an authorization from Congress to support use for HIPC debt relief of the full earnings on profits from IMF off-market gold sales.

Why is debt relief so important? Many poor countries are saddled with large debt payments. All too often, payments on the foreign debt—which account for as much as 70 percent of government expenditures in some countries—mean there is little left to meet basic human needs of the population, such as health, education, nutrition, sanitation, and basic social services.

As a group, HIPCs post some of the world's lowest human development indicators: one in ten children dies before their first birthday; one in three children is malnourished; the average person attends only three years of school; half of all citizens live on less than $1 dollar a day; HIV infection rates are as a high as 20 percent.

In effect, debt service payments are making it even harder for the recipient governments to enact the kinds of economic and political reforms that the loans were designed to encourage, and that are necessary to ensure broad-based growth and future prosperity.

Last year, President Clinton pledged to cancel all $5.7 billion of debt owed to the U.S. government by 36 of the poorest countries. Canceling the debt will not cost the full $5.7 billion because many of the loans would never have been repaid and are no longer worth their full face-value. It does not make economic sense to keep these loans on the books.

Additionally, I believe U.S. leadership is at stake. As the richest country in the world and as one that has long been interested in the development of poor countries, we risk losing our moral authority in the international arena if we cannot, especially during our country's time of prosperity, alleviate the crushing debt burden of many poor countries.

Mr. MCCAIN. Mr. President, I would like once again to address the issue of unrequested and unnecessary earmarks in the annual foreign operations appropriations bill.

It is a constant struggle, Mr. President, to maintain a reasonable—if not always adequate—amount of funding for foreign operations when the public overwhelmingly opposes foreign aid programs. It is therefore incumbent upon those of us who believe that foreign aid programs are an important component of U.S. national security policy to spend that budget wisely. As usual, the foreign operations appropriations bill before us squanders vital financial resources for unnecessary, low-priority and unrequested programs. Once again, pressuring the Agency for International Development to fund research into the future welfare of the Waboom tree; providing millions

of dollars for organizations like the Orangutan Foundation, the Peregrine Fund's Neotropical Raptor Center, the Missouri Botanical Garden, the Dian Fossey Gorrilla Fund, and the World Council of Hellenes—none of which was requested by the Agency for International Development or the Department of State—was deemed preferential to higher priority activities that unquestionably contribute to regional stability in less developed countries.

Mr. President, the notion that funding from the foreign aid budget not requested by the Administration should only go to organizations and programs following an objective, rigorous and competitive process eludes the Appropriations Committee. I am not reflexively opposed to all of the programs for which funding was added in this bill. I do take strong exception to the process by which funding is earmarked for parochial reasons. The bill before us today is replete with such examples. A long list of earmarks for university programs, the vast majority of which coincide with membership on the Appropriations Committee, is more evidence than even the O.J. Simpson jury would need that reasonable doubt exists as to whether such objective criteria are employed.

United States military forces are being deployed at record levels; conflicts in Africa and elsewhere are raging out of control, bringing with them untold misery, and we continue to pass spending bills of such dubious merit. I will support passage of the foreign operations appropriations bill, but only because it is imperative that funding for Israel, Egypt, refugee and migration assistance, and other vital programs receive the timely assistance they require. But to be forced to swallow such questionable earmarks as the $1 million for the Fort Valley State University agribusiness program in Georgia—and I should point out that the Republic of Georgia has no greater friend in the Senate than me—without the benefit of a competitive analytical process is more than a little painful. I suppose it is only appropriate that, once again, we are adding funding, this year to the tune of $4 million, for the International Fertilizer Development Center. There is something strangely appropriate that we spend tens of millions of dollars to fund the fertilizer center given the process by which this bill is put together every year.

Mr. President, I ask unanimous consent that this statement appear in the RECORD, accompanied by the list of earmarks and directive language that I have assembled.

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2001 (S. 2522)

DIRECTIVE LANGUAGE AND EARMARKS

Report language provisions

Iodine Deficiency/Kiwanis: Recommends that AID provide at least $5 million to Kiwanis International via UNICEF

Streetwise Program: Encourages AID to provide $50,000 for the program

Morehouse School of Medicine: Expects AID to provide $5.5 million for the Morehouse School of Medicine's International Center for Health and Development

Iowa State University: Recommends that $1 million provided to support Iowa State University's International Women in Science and Engineering program

International Executive Service Corporation: Strongly supports the efforts of the IESC, believes that AID has underutilized the corporation, and urges AID to grant funds to IESC to expand its programs

International Rice Research Institute: Recommends $5 million for the institute

Donald Danforth Plant Science Center: Recommends up to $500,000 to train Thai researchers at the center, and recommends up to $500,000 for research into bacterial and virus problems related to rice

Tropical Plant and Animal Research Initiative: Urges AID to fund a joint Israel-State of Hawaii research and development project to enhance the competitiveness of the tropical fish and global plant market

Protea Germplasm: Urges AID to fund meritorious aspects of a joint South Africa-U.S. protea industry proposal to create a repository to safeguard protea germplasm

Missouri Botanical Garden: Directs AID to increase funding for biodiversity conservation above current level and to work with the Missouri Botanical Garden to protect biodiversity

Orangutan Foundation: Provides $1.5 million to support organizations such as the Orangutan Foundation

Dian Fossey Gorilla Fund International and the Karisoke Research Center: Provides $1.5 million to support the fund and the center

Peregrine Fund: Recommends $500,000 for the Peregrine Fund's Neotropical Raptor Center

Pacific International Center for High Technology Research: Encourages AID to provide up to $500,000 for the center

Soils Management Collaborative Research Support Program/Montana State University: Recommends that AID provide $3 million for the SM–CRSP, and encourages AID to provide $500,000 through the SM–CRSP to Montana State University-Bozeman

U.S./Israel Cooperative Development Program and Cooperative Development Research Program: Urges an increase in funding for CDP/CDR

Patrick J. Leahy War Victims Fund: Recommends that $11 million be made available to support the fund's work

American Schools and Hospitals Abroad: The Appropriations Committee regularly allocates funds for specific institutions, usually the same institutions every year, under the American Schools and Hospitals Abroad program. The following are specified as deserving of further support:

The Lebanese American University, International College

The Johns Hopkins University's Centers in Nanjing and Bologna

The Hadassah Medical Organization

The Feinberg Graduate School of the Weizmann Institute of Science

American University in Beirut: encourages consideration of a plan to establish a Palestinian scholarship and education initiative

City University-Bellevue, Washington: encourages AID to provide adequate resources to build a new administrative center and expand the program to educate Eastern European students in democratic practices and principles

University Development Assistance Programs: The Committee annually earmarks or ''recommends'' funding for specific universities around the United States without benefit of competitive analytical processes to determine the value of the activity and whether it can best be done in an alternate manner. The following universities are expected to continue to receive such funds:

University of Vermont, $500,000, to establish and advanced telecommunications link between three hospitals in Vietnam and the University of Vermont College of Medicine

Champlain College, for the U.S.-Ukraine Community Partnerships Project

American University in Bulgaria, to sustain the university's program

Utah State University, $1.1 million, for the university's proposed World Irrigation Applied Research and Training Center, and $1 million for the university to assist the Arab-American University of Jenin to establish a College of Agriculture of Jenin

University of Missouri, $2 million, for establishment of the Center for Livestock Infectious Disease

University of Mississippi, $2 million, for the National Center for Computational Hydroscience and Engineering, for the purpose of transferring technology to the Polish Academy of Sciences

Mississippi State University, $2 million, for the Office of International Programs

Boise State University, $2 million, to continue and expand the university's involvement with the National Economics University's Business School in Vietnam

University of Miami, $3.5 million, for the Cuban transition project

University of Northern Iowa, for the Orava Project in Slovakia

Washington State University, Purdue University, South Carolina University, and the University of Jordan, $1 million, for water research in the Middle East

Washington State University, $2.46 million, for research, education, and training in international food security in collaboration with the State of Washington, the International Center for Maize and Wheat Improvement, and institutions in Central Asia and the Caucasus

University of South Carolina, $1 million, for the International Urban Growth Network; $1 million, for the Earth Sciences and Resources Institute; $2.5 million, for joint Chernobyl-effect research with Texas Tech University

George Mason University, $2 million, for health care in developing countries

Loyola University, $1 million, for the Family Law Institute for Latin American Judges

Louisiana State University, $1 million, for the International Emergency Management Training Center

Historically Black Colleges, $1 million, for the Renewable Energy for African Development Program

St. Thomas University, $5 million, for the Institute for Democracy in Africa

University of Notre Dame, $1.2 million, to support human rights & democracy in Colombia in collaboration with Inter-American Dialogue and the Colombian Commission of Jurists

Western Kentucky University, $2 million, for an independent media initiative

University of Louisville, $1.5 million, to work with impoverished South African communities in partnership with Rand Afrikaans University

China Rule of Law/Temple Law School: Recommends $2 million for an International Rule of Law program and urges AID to consider a proposal for Temple Law School, in collaboration with New York University School of Law, to operate a Business Law Center in China

Tibet/Bridge Fund: Recommends $1.5 million to support development projects administered by the Bridge Fund

Sharada Dhanvantari Charitable Hospital: Recommends $250,000 for the Sharada Dhanvantari Charitable Hospital to administer health care in Karnataka, India

University of Chicago/Chicago House: Urges AID to continue to support the Chicago House in Luxor, Egypt

Northern Ireland Voluntary Trust: Urges the International Fund for Ireland to support the work of this organization

Academic Consortium for Global Education: Expects AID to continue funding the consortium at the current level

Florida State University: Recommends AID support a distance learning project being developed by the university

University of South Carolina: Directs AID to provide $750,000 for the University of South Carolina College of Criminal Justice's Moscow Police Command College

Magee Womancare International: Encourages AID to work with Magee Womancare International to distribute vitamins and educate at-risk Russian women on the importance of nutrition in pregnancy and infancy

World Council of Hellenes: Urges the Department of State to provide $1.5 million for the council's Primary Health Care Initiative

Rotary International/Anchorage Interfaith Council/Municipality of Anchorage: Supports $5 million for providing medical and other assistance to improve the lives of Russian orphans, and expects AID to work with Rotary International, the Anchorage Interfaith Council, and the Municipality of Anchorage to do so

International Republican Institute/National Democratic Institute: Directs AID to assure continuity in support for IRI & NDI efforts to contribute to political reforms in Ukraine

University of Louisville: Earmarks $1 million for training in water and wastewater management in the Republic of Georgia

Fort Valley State University: Earmarks $1 million for training in agribusiness in the Republic of Georgia

City University of New York: Earmarks $1 million for training in transportation in the Republic of Georgia

Colombia Child Soldiers: Instructs the Secretary of State to transfer $5 million to the Department of Labor for rehabilitation and demobilization of child soldiers, and urges the Department of Labor to work with the Colombia Coalition to Stop the Use of Child Soldiers, Justapaz, Asoda, Ceda Vida, and Defense for Children International to develop and fund programs to counsel, educate, and reintegrate former child soldiers

Bill Language

Substitutes 30 Blackhawk helicopters requested by the Administration and the Colombian Government for a total of 60 Huey II helicopters

University of Missouri: Earmarks $1 million for International Laboratory for Tropical Agriculture Biotechnology

University of California-Davis: Earmarks $1 million for research and training foreign scientists

Tuskegee University: Earmarks $1 million to support a Center to Promote Biotechnology in International Agriculture

International Fertilizer Development Center: Earmarks $4 million for the center

United States Telecommunication Institute: Earmarks $500,000 for the institute

American Schools and Hospitals Abroad: Earmarks $17 million for ASHA programs

International Media Training Center: Earmarks $2 million for the center

Carelift International: Provides up to $7 million for Carelift International

American Educational Institutions in Lebanon: Provides $15 million for scholarships and direct support of the American educational institutions in Lebanon

American University in Cairo: Provides up to $35 million for the relocation of the American University in Cairo

Egypt Endowment/Theban Mapping Project: Provides up to $15 million for the establishment of an endowment to promote the preservation and restoration of Egyptian antiquity, of which $3 million may be made available for the Theban Mapping Project

American Center for Oriental Research: Earmarks $2 million for the center

Cochran Fellowship Program in Russia: Earmarks $400,000 for the program

Moscow School of Political Science: Earmarks $250,000 for the school

University of Southern Alabama: Earmarks $1 million to study environmental causes of birth defects

Ukranian Land and Resource Management Center: Earmarks $5 million for the center.

Mr. ASHCROFT. Mr. President, the Senate today will pass the foreign operations appropriations bill and I rise to speak in support of the additional funding for the Drug Enforcement Administration (DEA) that is contained in this legislation. The bill makes additional FY2000 funds available for the DEA to step up efforts against the burgeoning epidemic of methamphetamine—commonly called ''meth''. This funding is needed for the DEA to combat the explosive meth problem which is emerging as one of the fastest growing threats in our country, especially in Missouri.

With its roots on the west coast, the meth epidemic has now exploded in middle America. Meth is today what cocaine was to the 1980s and heroin was to the 1970s—the hot, ''in'' drug with a catastrophic potential to destroy all those it comes in contact with—financially, spiritually, and physically. It is currently the largest drug threat we face in Missouri. Unfortunately, it is most likely coming soon to a city or town near you.

If one wanted to design a drug to have the worst possible effect on the community, one would make methamphetamine. It is highly addictive, highly destructive, cheap, and easy to manufacture.

To give my colleagues an idea on the scope of the problem in Missouri alone, let me share with you these frightening statistics: during the whole year of 1992, law enforcement seized two clandestine Meth labs in Missouri and in 1994, the number of Meth labs seized increased to 14. By 1998, the number of seized labs mushroomed to 679. Based on reports of the figures collected in 1999, that number jumped again last year to over 900 labs in Missouri alone. According to the latest national statistics from the DEA, reported meth lab seizures in 1999 for the entire United States totaled 6,438, up from 5,786 in 1998 and 3,327 in 1997. This is nearly a 100% increase in only two years.

The rapid increase and spread of meth across the country has brought with it the problems that we too often see with illegal drug use. As the ''popularity'' of meth has increased, we have seen the proportional increases in domestic abuse, child abuse, burglaries and drug related murders. In addition, from 1992 to 1998 meth-related emergency room incidents increased by 63 percent.

What is most unacceptable to me is that meth is ensnaring our children. In 1998, the percentage of 12th graders who used meth had doubled from the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimated that as many as 10% of high school students know the recipe for meth. In fact, one need only log-on the Internet to find numerous web sites giving detailed instructions for setting up a meth lab. This is troublesome.

We in Congress have taken these indicators seriously. Despite yearly appropriations to combat meth abuse and trafficking, the meth problem continues to grow. I believe it is time to dedicate more resources to stopping this scourge once and for all. To that end, earlier this year I joined a number of my colleagues in the Senate in sending letters to President Clinton and Attorney General Reno requesting that at least $10,000,000 in additional funds be made available for the DEA to assist state and local law enforcement in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories. This funding would provide the necessary resources for the DEA and state and local law enforcement officials to combat this growing meth problem.

Meth presents us with a formidable challenge. We have faced other challenges in the past and we can face this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All it takes is that we marshal our will and channel the great indomitable American spirit.

In order to successfully combat this growing meth problem, we must provide law enforcement officials with adequate resources to stifle this growing epidemic. To this end, I support the increased level of funding in this foreign operation bill, and I encourage the

conferees to maintain adequate funding in the Supplemental appropriations measure for fighting the scourge of methamphetamine. Through legislative efforts like this to assist law enforcement efforts to combat meth, we will meet this new meth challenge and defeat it.

Mr. L. CHAFEE. Mr. President, I would like to thank the managers of this bill, Senators MCCONNELL and LEAHY, for accepting a revised version of the amendment I submitted yesterday. This amendment addresses international debt relief.

Today we are at the dawn of the new millennium—2000 is the Year of Jubilee. It is in this year that people throughout the world have been inspired by the Book of Leviticus in the Hebrew Scriptures. This book describes a Year of Jubilee, in which slaves are freed, land is returned to original owners, and debts are canceled.

The Bible's teachings of the Year of Jubilee has led to a worldwide movement to have the world's wealthiest nations forgive the debt of the world's poorest nations. Great Britain, Canada, the Philippines, Australia, Ireland, Austria, Germany, Sweden, South Africa, and the United States have national campaigns in this regard. The most prominent churches and relief groups worldwide also endorse this goal.

This spiritual movement in turn is helping motivate the United States and our G–7 allies to put forth the heavily indebted poor countries (''HIPC'') initiative. This groundbreaking effort will provide substantial debt relief to poor nations conditioned on making real progress towards economic growth and poverty reduction. It will also emphasize greater budget discipline within recipient countries so that scarce resources, rather than being wasted, are directed where they are needed most.

Although the President requested $435 million this year for the U.S. contribution to the HIPC initiative, the appropriations bill before the Senate today provides just $75 million. The amendment I have authored expresses the sense of the Senate that the United States should authorize and appropriate full funding. This amendment is cosponsored by seventeen of my colleagues, including those who have been leaders on this issue during the past several years. Cosponsors of my amendment are Senators MACK, SARBANES, BIDEN, HAGEL, WELLSTONE, LIEBERMAN, LANDRIEU, DODD, JEFFORDS, LAUTENBERG, GORDON SMITH, DEWINE, LUGAR, FEINSTEIN, GRAMS, INOUYE, and BRYAN.

I believe it is important to draw attention to this critical issue, and would again like to thank the bill's managers for accepting my amendment. I am hopeful that in the coming weeks, we will make further progress towards full U.S. participation in the HIPC initiative. Thank you.

Mr. JEFFORDS. Mr. President, as Americans, we have two vital tasks in our relations with Colombia. We are obligated to help a neighbor that is struggling to build democracy and civil society, and it is in our best interest to assist them in halting the flow of lethal narcotics from the Andean mountains of Colombia to American communities. These are the two underlying grounds for the Clinton Administration's ''Plan Colombia,'' a request for $1.07 billion in emergency supplemental funds over the next two years to aid Colombia.

After a painful decade of violence, the Colombian people have boldly elected an unassailable ally of democracy and reconciliation, President Andres Pastrana, and they are demanding an end to human rights abuses and impunity by both the paramilitaries and the FARC guerillas. At the same time, the lawlessness and violence of southern Colombia have permitted the narcotics dealers to widen their cultivation and consolidate their delivery routes into the U.S. With the remarkable success of U.S. Government anti-narcotics programs in Peru and Bolivia, eighty percent of the heroin consumed in the U.S. is now cultivated in Colombia. We have no choice now but to focus our anti-drug efforts in Colombia.

While I realize that we must bring pressure to bear on the drug cartels, my experience with Central America in the 1980s leads me to be very skeptical about the utility of the military response to social and political problems. I therefore have been wary of the Administration's Plan Colombia. My chief concerns with it have been the Colombian military campaign against narcotics cultivation, and the abysmal human rights record of paramilitary groups that have frequently been linked to the military forces. I am also concerned that we not get dragged into a major, long-term counter-insurgency effort which is not our fight.

In the end, though, I decided to go along with the Administration's proposal as significantly improved by the Senate Foreign Operations Subcommittee. The Subcommittee downsized the scale of the Colombian military effort, and shifted the funding from Blackhawk to Huey helicopters. Smaller and more agile, the Hueys are more suited to fighting narcotics cultivation, while the Blackhawks are more suited to counter-insurgency combat. The Subcommittee also increased the bill's sizable human rights component, including new programs to bolster the rule of law and fight corruption. The Subcommittee also shares my concern for U.S. Government responsibility for this expensive anti-narcotics effort by increased funding for end-use monitoring. Given the well-documented human rights problems in Colombia, heightened monitoring is an extremely important component of this program. Although we will be funding a military effort, I note that U.S. military personnel are barred from any military operation, and that the Leahy Amendment puts strict safeguards on the activities of any U.S. funded partner, so that the human rights behavior of the Colombian military will now be under a microscope.

An integral component of the final legislation is sizable funding to encourage judicial reform, strengthen the rule of law, and improve the quality of life for all Colombians. Without greater social and income equality and greater respect for human rights, all our efforts will fail. The military aid can only provide an opening for those who are trying to build the foundation for civil society. By electing President Pastrana, the Colombian people have indicated their desire for a future free of drugs and violence. We must ensure that U.S. assistance is instrumental in helping them achieve that goal.

Let's make no mistake. If this bill becomes law, the U.S. will have made a major commitment to helping Colombia eradicate the narco-business that plagues both it and us. We are pledging to stand beside President Pastrana, an enlightened and popular leader with a broad mandate to pursue this campaign, while he also resolutely holds negotiations with entrenched but highly unpopular insurgents. I think that, for his sake and ours, we must give him the tools and the confidence to see this through.

Mrs. BOXER. Mr. President, today I voted for S. 2522, the Senate version of the Fiscal Year 2001 Foreign Operations Appropriations Act. I voted for the bill despite serious reservations about parts of it because it also funds some very important priorities.

First, the bill provides economic and military assistance to some of America's most important allies, at the level requested by the President.

The bill includes $450 million for international family planning programs, less than requested by the President but more than last year.

S. 2522 also provides funding for many very important international programs, including the Peace Corps, U.N. peacekeeping operations, refugee assistance, and antiterrorism efforts.

I am especially pleased that, with the passage of my amendment to add $40 million, the final bill includes $51 million for international tuberculosis control and treatment and $255 million to fight HIV/AIDS in developing countries.

Unfortunately, attached to the foreign operations bill this year was almost $1 billion in emergency spending for counter-narcotics efforts in Colombia. I am disappointed that the Senate rejected an amendment offered by Senator WELLSTONE, which I cosponsored,

which would have transferred the military aid portion—$225 million—to domestic drug treatment programs.

We would have done more to fight the so-called drug war by putting those dollars into proven drug treatment programs here to reduce demand. A Rand Corporation study found that for every dollar spent on demand reduction you have to spend 23 dollars on supply reduction in order to get the same decrease in drug consumption.

And because I fear that the military assistance may lead to further U.S. involvement in the 40-year-old civil war in Colombia, I tried to offer an amendment to simply affirm current Defense Department policy regarding activities of DoD personnel in Colombia. This policy states that DoD funds may not be used to support training for Colombian counter-insurgency operations, participate in law enforcement activities or counternarcotics field missions, or join in any activity in which counter-narcotics related hostilities are imminent.

I was not allowed a roll call vote on my amendment because the chairman of the Appropriations Committee made a point of order that it was legislation on an appropriations bill. However, less than 24 hours earlier, the Senator from Alabama, Senator SESSIONS, had an amendment accepted which also dealt with U.S. policy toward Colombia, and which was also subject to the very same point of order. But no senator objected to the Sessions amendment.

This selective enforcement of Senate rules is a double standard and is unfair. I am particularly bothered because I had strong concerns about the Sessions amendment. This is another breakdown in comity and civility in the Senate, and I am very troubled by it.

Mr. COVERDELL. Mr. President, I rise today in support of the amendment offered by my colleague from Connecticut, Senator DODD, to increase funding for the U.S. Peace Corps.

This amendment will increase funding for the Peace Corps by $24 million, restoring funding to the enacted FY2000 level of $244 million. Even with passage of this amendment, $244 million is well below the amount authorized under the four-year Peace Corps Authorization Act which I sponsored with Senator DODD and that passed Congress with overwhelming bipartisan support last year. The Act authorizes an FY2001 level of $298 million to expand the Peace Corps to 10,000 volunteers, just as President Reagan originally intended fifteen years ago. This amendment will allow the Peace Corps to keep pace in reaching this important goal of 10,000 Volunteers within the next five years.

I remind my colleagues that the Peace Corps represents just 1 percent of the international affairs account. Over the past several years the Peace Corps has worked to increase the number of Volunteers through modest increases in its budget and more efficient management that reduced costs and staff.

As former Director of the Peace Corps, I have learned first-hand of the tremendous impact that the relatively small amount we spend on the Peace Corps has throughout the world. Not only does the Peace Corps continue to be a cost effective tool for providing assistance and developing stronger ties with the international community, it has also trained over 150,000 Americans in the cultures and languages of countries around the world. Returned volunteers often use these skills and experiences to contribute to myriad sectors of our society—government, business, education, health, and social services, just to name a few.

This amendment will help put the Peace Corps on the firm footing it needs and deserves as we enter the 21st century. I firmly believe that a rejuvenated Peace Corps will help ensure that America continues to be an engaged world leader, and that we continue to share with other countries our own legacy of freedom, independence, and prosperity. This is an investment in our country and our world that we need to make.

Mr. STEVENS. Mr. President, I move we go to third reading.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, all Senators have worked very closely on this. We tried to accommodate Senators on both sides of the aisle. I hope we will go to third reading. I am waiting for the chairman of the subcommittee to come back to the floor. I see him on the floor now. We can go to third reading. I hope we will support this bill.

This is not a perfect bill, by any means. It does not do anywhere near enough on debt forgiveness, which is something we are going to have to address, I hope, in conference, and I hope we will have a larger allocation for that. It does not do enough on infectious diseases for the poorest of the poor countries, especially in Africa. It does not do enough for Mozambique and other areas. But it is a considerably well-balanced bill within the resources we had. I do compliment the senior Senator from Kentucky in working as hard as he has to accommodate Senators on both sides of the aisle to do that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I extend my appreciation to my good friend from Vermont. I have enjoyed working with him on this bill. And I express my particular gratitude to Robin Cleveland, Billy Piper, Jennifer Chartrand, Jon Meek, Chris Williams, Cara Thanassi, and all of my staff involved in developing this measure.

Are we now ready for third reading?

Mr. President, I ask for the yeas and nays on third reading.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill be engrossed and advanced to third reading?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—95

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee, L.	Inhofe	Schumer
Cleland	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—4

Feingold	Thomas
Smith (NH)	Wellstone

NOT VOTING—1

Johnson

The bill was ordered to be read the third time.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill is now returned to the calendar.

Mr. LOTT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the managers of this very important legislation, the foreign operations appropriations bill. It has a lot of important provisions in it, funds that are critical to our foreign policy. We did have two very significant votes with regard to the Colombian aid. I think probably some Members were surprised by the show of support, with 89 votes against cutting the funds in one instance and maybe 79 in the other instance.

This has been good work. It did take patience by the managers and some cooperation on both sides of the aisle. We were able to get it done in a very short period of time. I thank all concerned for their good work. I hope we can continue that and make real progress on the Labor, HHS, and Education appropriations bill this week. After the work we have already done, I think we can show we are doing the people's business.

I commend Senator MCCONNELL and I commend Senator LEAHY for being willing to stay here last night and suggest we were going to have more votes last night. That helped get this done. I thank the Senators.

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

Mr. LOTT. I am happy to yield to the Senator.

Mr. LEAHY. Mr. President, I want to also thank the distinguished majority leader for his work in bringing this up. This can sometimes be a contentious bill, as he knows. His efforts in working also with the distinguished Democratic leader, Senator DASCHLE, paid off. And the distinguished majority leader had the patience to allow Senator MCCONNELL and me to work through an awful lot of amendments on both sides of the aisle.

I thank the distinguished Senator from Nevada, Mr. REID. We heard periodically the crunch in the Cloakroom as he broke a few arms, but we moved it through and got an overwhelming vote.

Senator MCCONNELL showed close cooperation with me and with Senators on both sides of the aisle throughout the process. I enjoy working with him. I know he agrees we need more resources for some of these issues, and we will work together to get them.

We have many interests around the world. We know U.S. leadership costs money. I think Senator MCCONNELL and I have tried to show a bipartisan cohesion on that.

I thank the staff. They spent many long days and late nights, many long weekends in getting this far. I appreciate that. Robin Cleveland, Senator MCCONNELL's chief of staff on the Foreign Operations Subcommittee, as always, has been a pleasure to work with. She shows enormous competence and knowledge. I appreciate that. Her assistant, Jennifer Chartrand, was indispensable to this. Jay Kimmitt on the committee staff and Billy Piper on Senator MCCONNELL's personal staff have all been of great help.

On the Democratic side, I mention several. First, I want to mention Cara Thanassi of my staff who was there from start to finish. Ms. Thanassi, on the floor now with me, is a Vermonter. She will be heading back to graduate school, only after she spends a month in East Timor. I am proud of her and what she has done for the Senate. She has shown the best attributes of a true Vermonter.

J.P. Dowd, my legislative director, helped on the Senate floor during the many busy times of the last few days. Of course, Tim Rieser, the Democratic clerk on the Foreign Operations Subcommittee, has worked on these issues in the Senate for nearly 15 years. He probably has as great an institutional memory on the foreign policy issues as anybody in the Senate staff or Senate and was truly indispensable.

Again, I thank the leader for his help in getting the Senate this far.

I yield the floor.

APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES—Continued

MOTION TO COMMIT WITH AMENDMENT NO. 3598

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

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

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

Mr. LOTT. Mr. President, I again ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3600 TO INSTRUCTIONS OF THE MOTION TO COMMIT

(Purpose: To limit the use of funds for standards relating to ergonomic protection)

Mr. LOTT. I send an amendment to the desk to the pending motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3600 to the instructions of the motion to commit.

Mr. LOTT. Mr. President, I ask consent that reading be dispensed with.

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

The amendment is as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer any proposed, temporary, or final standard on ergonomic protection.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3601 TO AMENDMENT NO. 3600

(Purpose: To limit the use of funds for standards relating to ergonomic protection.)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3601 to amendment No. 3600.

Strike all after the first word, and insert the following:

''Of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

''This section shall take effect on October 4, 2000.''

Mr. LOTT. Mr. President, I ask consent there be 2 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599.

Mr. REID. I object.

Mr. LOTT. I ask there be 4 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599 and the Democrats' motion to commit with instructions.

Mr. REID. Reserving the right to object, we have just finished several hours on other matters and we have a number of Senators with whom I need to check before we can agree to this unanimous consent agreement. Therefore, I object.

Mr. LOTT. Mr. President, I certainly understand that the Senator would want to consider the situation, where we are, and consult with a number of Senators. In fact, we need to do the same thing on our side.

I ask my colleagues on the Democratic side to see if we can't come to an agreement that is suitable on both sides of the aisle with regard to the amount of time and that we get a direct vote on this very important issue of ergonomics. It is germane to this Department of Labor, HHS, and Education appropriations bill.

We have had a good working relationship together over the past 2 weeks. There is no question we couldn't have made the progress on the appropriations bills if we hadn't had diligent work on the Republican side and a lot of cooperation on the Democratic side including, specifically, the Democratic leader, Senator DASCHLE, and the whip and assistant leader, HARRY REID. All have done good work.

I worry now that we are into a situation where we have an amendment that Members feel very strongly about, that is going to have dramatic impact on business and industry in this country, which is germane, and that we are being told we can't give you a time agreement, we are not going to give you a direct vote.

We have had direct votes over the past couple of weeks on the Patients' Bill of Rights issue, on hate crimes, on gun violence, on the Cuba commission, on abortion issues, on education class size—even though on some of the issues we would have preferred not to have voted or voted not on them with regard to that particular bill. It would also include, of course, the disclosure issue, which we think is a good issue, which should get voted on, but it was a problem being offered on the Defense authorization bill.

We were able to work through that. We got a reasonable agreement. We got a direct vote, and we moved on.

I have already talked with Senator DASCHLE. We are looking for a reasonable way to get this done. I hope we can find it because this is one of the biggest and one of the most important bills the Senate will consider this year. It is the funds for education, for the National Institutes of Health, for the Departments of Health and Human Services and Labor.

I would hate for it to stop at this point. We can make progress this afternoon. We can make progress on Friday. We can make progress on Monday. We could be having votes. With a little focus, maybe we can even finish this bill by Tuesday night or Wednesday. That is what I want to see happen, but we need to get it done and then go on to the Interior appropriations bill, a bill that also is very important and a bill, by the way, Senator GORTON has worked very hard to keep off controversial issues. The so-called rule XVI points will be objected to.

I urge Senator REID and my friend, Senator DASCHLE, to think about this. This is not the end of the trail, but we can have a vote on this important germane amendment, and then we can move on to other amendments and get our work done. I know we will be working together in the next few hours to see what we can come up with. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been able to complete, under great difficulty, five appropriations bills. They have had hundreds of amendments. We have been able to finish those bills.

I suggest the best thing to do, as I think the leader has already said he is going to do, is move forward with the debate on this amendment. There are tremendous feelings on both sides of the issue. People feel strongly about it. We should debate it for a while and see if something can be resolved. I hope, if we cannot do that, we might be able to move on to something else that needs to be completed.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3594, AS MODIFIED

Mr. BOND. Mr. President, I rise today to support in the strongest possible way the Enzi-Bond amendment to the Labor-HHS appropriations bill relating to ergonomics. This amendment will save businesses, small businesses particularly, and other employers, and primarily their employees, from the ravages of OSHA's regulatory impulses running rampant.

As many in this body know, I have questioned OSHA's approach to formulating an ergonomics regulation for several years. Last year, I introduced a bill, which currently has 48 cosponsors, to force OSHA to wait for the results of the study that we and the President—and the President—directed the National Academy of Sciences to conduct on whether there is sufficient scientific evidence to support this regulation.

This measure is known as the Sensible Ergonomics Scientific Evidence Act, or the SENSE Act. Sadly, this issue, as administered by OSHA, has been lacking in common sense in the years that OSHA has been working on it.

We were not able to move the SENSE Act last year, nor were we able to convince OSHA they needed to put some common sense into their regulatory process before going forward with the proposed rule. At this time last year, we were fearful of what OSHA might come up with because it did not look as if they were going about it in a reasonable, responsible way. When the proposed rule was finally published in November and we found out what they wanted to do, it was worse than we could have imagined.

It is tragic that OSHA and this administration have all but disregarded the protections for the rulemaking process that are needed for sound regulations. They moved at an unprecedented pace, and it looked as if they were trying to get this regulation finalized before they even left office.

This is a classic example of ready, fire, aim. OSHA needs to be told they have gone too far and they must suspend the regulation so that it can be redrafted and put into some reasonable, workable approach.

The Enzi-Bond amendment to the Labor-HHS appropriations bill must be adopted, and I urge my colleagues to strongly support it.

I have the honor of serving as chairman of the Small Business Committee, and I have heard from literally thousands of small businesses and their representatives about the utter terror they face of having to comply with an impossible regulation that they cannot figure out and they cannot implement.

Let me be clear, their fear is not that they will have to protect their employees or even that they will have to spend some money to achieve that goal—they are doing that already because they do not want to see their employees have repetitive motion injuries or ergonomic injuries. They want to do what is right for their employees. In many cases, these employees in the smallest businesses are like family. They treat them like family members because they work closely with them.

Instead, this fear, this terror is that they will be forced to figure out what this regulation means, what is expected of them, whether they can satisfy the requirements, whether they will get any results from the huge costs of this regulation, and whether they can convince an OSHA inspector they have satisfied a regulation which gives no clear guidelines.

In some cases, the alternative to complying with the regulation may be to close the company or to move it to another country where they do not have such regulations, or, which is also extremely sad, they may be required to get rid of employees and buy equipment and replace their employees with equipment.

None of these regulatory efforts has to do with assuring protection for employees from repetitive motion injuries. The simple truth is, there is nothing the regulation says that will protect employees. It does not do what OSHA would have us believe it does. It does not tell employers how they can help their employees. On this basis alone, the proposed regulation fails and must be withdrawn.

OSHA likes to say this regulation is flexible. So is a bullwhip. What OSHA calls flexible is really a level of vagueness such that no employer, no matter how well intentioned, would be able to tell what is required of them or if they have done enough. Let me give a couple examples to help illustrate the degree of vagueness that permeates this proposal. These terms come directly from the language of the proposed rule:

Throughout the standard, employers are directed to implement provisions and establish program elements "promptly."

In analyzing a "problem job," employers are instructed to look for employees "exerting considerable physical effort to complete a motion," or employees "doing the same motion over and over again."

Engineering controls are to be used "where feasible." When implementing the "incremental abatement" provisions, employers are to "implement controls that reduce MSD hazards to the extent feasible."

For an employer to evaluate its ergonomics program, it is to "evaluate the elements of [its] program to ensure they are functioning properly; and evaluate the program to ensure it is eliminating or materially reducing MSD hazards."

Ergonomics risk factors are defined as: "(i) force (i.e., forceful exertions, including dynamic motions); (ii) repetition; (iii) awkward postures; (iv) static postures; (v) contact stress; (vi) vibration; and (vii) cold temperatures."

Anytime one lifts a garbage can outside in the winter, one probably goes through all those.

To be effective, however, this regulation must tell employers when their employees will be injured, when an employee will have lifted too much, when the employee will have done too many repetitions, what an employer can do to prevent injuries or to help an employee recover from an injury.

OSHA loves to say this proposal is supported by adequate science and many studies. Unfortunately, none of these studies have answered these critical questions, or at least OSHA has not bothered to include any of that information in this proposed rule.

All other OSHA regulations provide a threshold of exposure to a risk beyond which the employer must not let the employee be exposed without protection or taking a corrective measure.

This proposal is unique in its complete absence of any thresholds. I guess that is what they mean by ''flexible.'' That bullwhip they use can come down at any time and give them the full benefits of flexibility. There is not a single threshold.

OSHA is telling employers: We think you have a problem. We cannot define it. We cannot tell you how to fix it. But you have to go fix it. We will hold you accountable for how well you fix it, even though we cannot tell you how to fix it.

This is absurd. It would be like driving down a highway where the sign said, ''Don't drive too fast,'' but not specifying what the speed limit is. You would never know if you had gone too fast until the highway patrolman pulled you over and told you whether you had gone too fast, according to that patrol person's view of what was ''too fast.''

This is no way to create an enforceable, workable, worker safety regulation in a country that prides itself on being a country governed by laws, not people.

This proposal is simply unenforceable as it is written. It amounts to nothing more than a regulatory trap which will result in more citations, more fines, more litigation, more legal fees, more confusion, and more problems without protecting a single worker or making a single workplace safer. It is a big bullwhip to threaten employers without telling them how to avoid that which they seek to prevent.

Whatever other problems this regulation may cause for large employers, the problems will be catastrophic for many small businesses. It is impossible to overstate the complications and the burden this regulation could impose on small businesses. Small business owners simply do not have the time, expertise, resources, staff, or understanding of the issue to deal with this regulation while still performing all the other roles that are demanded of them as businesspeople as well as family members.

The same person who may handle sales, accounting, inventory, customer relations, and environmental compliance may also be responsible for safety compliance. With the vagueness of this proposal, the lack of a scientific consensus on what causes these injuries, the lack of a medical consensus on what is an effective remedy, and the naturally complicated nature of this issue, the typical small business owners will be so overwhelmed with this regulation, it will be a wonder if they decide they can both comply with the regulation and stay in business. Every hour they spend on this regulation—and despite OSHA's claims, there will be many—is an hour they will not use to do something that will further increase their business or create more jobs. For small business owners, time really is money. And if they are not dealing with all these roles in their business, they are probably trying to set aside a few hours a day to spend with their children and families.

The Small Business Administration did an analysis of this proposed rule. One of the points they made is that small businesses are not just large businesses with fewer employees, they function in an entirely different way. In addition to their lack of resources and staff, they may also have a different cash-flow structure, which means that the financial burden of this regulation cannot be absorbed as easily.

In many small businesses, they are more dependent on financing for their operating capital, so the cost of implementing this regulation will require the company to take on more debt, thus eroding further its opportunity to make a profit and grow and hire more employees.

Also, small businesses often exist as niche businesses to serve very special needs. They may not be able to pass costs along to their customer easily because the customer may be able to do without the niche product or be able to find it cheaper or more easily from a larger source.

Small businesses are the engine of this great economic expansion we have been enjoying recently. They are the ones that are creating the jobs. They are the ones that are creating the opportunity and creating the wealth for many families around this country. This rule will be sand that can cause this engine to seize up and stop dead in its tracks.

The Small Business Administration's study on this proposal found that OSHA underestimated the cost of this regulation by a factor of anywhere between 2 and 15 times. OSHA simply has no idea how much this regulation will cost businesses, and particularly small businesses. And businesses have no idea what they will get for the money they will be forced to spend.

Employers have no problem investing in safety to protect their employees, but when you ask them to spend excessive amounts, with no guarantee of what they will get in return, they are going to object, and object strenuously.

This weekend, when I was in Missouri, I talked to small businesses, small businesses that are very much concerned about this. Do you know what they said to me? They said to me: Look, we don't want to see repetitive motion injuries. We are very much concerned if one of our employees comes up with carpal tunnel syndrome.

One small business owner said: I have hired two different safety engineers to come in and work with the employees and me to find out where there might be an injury, to help us develop ways of preventing those injuries. We talk with and listen to our workers and say: What are we doing? What can we do differently?

He also said: I have paid a lot of money trying to find an answer. Wherever we can find an answer, we implement it, because it doesn't make any sense for me to lose good workers or to have them suffer the physical pain, which is great, or to have the loss of income which can come from one of these on-the-job injuries. And it certainly does my business no good to be without a valued employee.

And he said: When we look at what OSHA is telling us, how come, if they are so smart, they can't tell me what specific things I can do? What are the standards? I paid these safety engineers to come in and help me, and they have done everything they can. And OSHA doesn't even come close. They are not even trying. They are just going to pull out that big bullwhip and whack me across the back if there is something I missed and something nobody understands can be done to prevent it.

Small businesses are such a vital part of the economy that, 5 years ago this month, I introduced what we call the Red Tape Reduction Act, but it is technically known as the Small Business Regulatory Enforcement Fairness Act, or SBREFA. This act was passed by the Senate without a dissenting vote and signed by the President in March of 1996.

Among other provisions, the Red Tape Reduction Act requires OSHA to convene panels of small businesses to review regulations before they are proposed, at the time when their input can have the most impact.

OSHA convened their SBREFA panel for the ergonomics regulation in March 1999. It should be no surprise that the small businesses that reviewed this regulation thought it would be a nightmare to comply with. Even those businesses that were generally in favor of doing something about an ergonomics regulation, because of the possible ergonomics injuries and the pain they cause, believed that this proposal was seriously flawed and totally inadequate. In every category of question,

the small businesses that reviewed this regulation found serious problems. The report was issued, and it contained many criticisms and complaints about the proposal. I will mention a few of them:

Many [small businesses] felt that OSHA's preliminary cost estimates had underestimated costs.

Some [small businesses] felt that there may be substantial costs for firms to understand the rule and to determine whether they are covered by the rule, even for firms not required to have a basic program and who have not had an MSD.

Many [small businesses] expressed doubt over their capability to make either the initial determination about whether they need an ergonomics program or to implement an ergonomics program itself. Many [small businesses] felt that they would need the assistance of consultants to set up an ergonomics program and to assist them in their hazard identification and control activities.

Almost all of the [small businesses] stated that they would not be able to pass on the costs of an ergonomics program to their customers. The ability to pass through costs may be dependent on the level of domestic and foreign competition.

Many [small businesses] questioned OSHA's estimate that consultants would not be necessary for any element of the program except in 10% of those cases involving job fixes.

Many [small businesses] had difficulty understanding OSHA's criteria for determining the work-relatedness of MSDs. Many [small businesses] interpreted OSHA's criteria for determining the work-relatedness of MSDs in such a way that, in practice, the two criteria in addition to a recordable MSD would be unworkable or ignored.

Some [small businesses] expressed concerns about how certain terms and provisions of the draft rule would be interpreted and enforced by OSHA compliance personnel. Many [small businesses] found it difficult to apply the concepts of feasibility, similar jobs and manual handling, as these are defined in the draft rule.

Many [small businesses] . . . were concerned about perceived overlaps between State workers' compensation laws and the draft standards' medical removal protection requirements.

Some [small businesses] suggested that employers' increased concern about MSDs could create additional incentives for employers to discriminate against individuals who may be members of protected classes of employees based on the perceived likelihood that such workers would have more MSDs than other workers.

Many [small businesses] suggested that non-regulatory guidance would be preferable to a rule.

Some [small businesses] recommended that OSHA delay the ergonomics rule until the completion of the National Academy of Sciences study that is now underway.

Mr. President, those are some of the comments the small business panels offered when they looked at this atrocity. You would think with all these concerns and recommendations, OSHA would have made major changes to the proposed rule to take into account, as they were supposed to, the legitimate concerns of small business. Unfortunately, that was not the case. The changes that were made were merely cosmetic, not substantive, and did not address any of these issues raised by the small businesses. In fact, OSHA made so few changes to the draft that when thousands complained about the short comment period after it was published in November, OSHA claimed the fact that it had been released to the panel qualified as giving interested parties sufficient time to help them develop their comments. OSHA ignored the concerns raised by small businesses that gave up their time to participate in this process in the hopes of helping OSHA fashion a reasonable and responsible, better regulation.

They didn't want to know. They didn't pay attention. This is precisely what the Red Tape Reduction Act was meant to stop, when a Federal agency says: Ready, fire; we will worry about the aim later, and they didn't care about what aim they took. They didn't care about listening to the small businesses. This is a clear-cut example of abuse of the law that is designed to protect small businesses from excessive overreaching and inappropriate Federal regulation.

Unfortunately, this has been a consistent pattern of OSHA during the development of this regulation. There have been numerous stakeholder meetings and meetings with concerned businesses where OSHA received valuable guidance and suggestions that would have led to a better regulation. OSHA has not been willing to work with anyone from the employer community who would have to deal with this regulatory monstrosity. They have pursued their vision of this rule with a myopic tunnel vision that has shut out any and all recommendations that could make this regulation palatable and workable. The intransigence of OSHA in this rulemaking has been positively staggering. Unfortunately, this regulation threatens not only to stagger but to take the breath out of small businesses in the United States.

OSHA would have us believe that they must move forward because of the levels of musculoskeletal disorders occurring among employees. In fact, as employers have focused on MSDs, the numbers have been steadily declining, since 1994, by a total of 24 percent. These injuries now make up only 4 percent of all workplace injuries and illnesses. This progress has come about without an ergonomics regulation.

There is more that needs to be done, yes. We need to continue to work to find ways to reduce these painful and harmful injuries that cost time and pain to employees and deprive employers and small businesses of their ability to turn out product or a service and make a profit. Businesses are willing to consider what makes sense for their employees when there is a solution available.

I told you the story of one small business owner with whom I talked this week in Missouri. I have held conferences. At the National Women's Small Business Conference I held in Kansas City, they talked about problems facing women small business owners. They have problems with procurement. They have problems with access to capital. They are scared to death of what can happen to their businesses because they don't want to see their employees have MSDs or musculoskeletal disorders, injuries from repetitive motions.

They told me they are working on ways to minimize them and eliminate them, but this regulation gives them no help in moving forward in their efforts, which they intend to continue, which are voluntary, which are effective, unlike this rule. There is no help for them in this regulation, just a bull whip, if something goes wrong.

This regulation does not provide a solution or any guidance that would be helpful to employers. If OSHA were smart, they would take a look at what is happening and get out of the way, or offer constructive assistance, help figure out ways to prevent these injuries. OSHA is trying not to reinvent the wheel but telling the wheel which way to go without giving it any guidance.

OSHA will claim they have made changes in response to the concerns of the businesses. They will point to the grandfather clause they included. That is truly a laugh. The only problem is the grandfather clause is worthless. Not a single company in the country which currently has an ergonomics program could qualify for it. OSHA's grandfather clause requires a company to put OSHA's program in place so they can be relieved of having to comply with the OSHA program. That sounds absurd. It doesn't make any sense, but that is what they require. They said: If you will put into place this OSHA program, whatever it is—and nobody knows what it is—then you will have complied with the grandfather clause. But to our knowledge—and OSHA hasn't told us of any—nobody has one in place that meets the impossible and unworkable and unknowable standards of this rule and regulation. Grandfather? That looks like some other kind of relative, not often seen at a family picnic when you apply it to this clause.

OSHA's pursuit of this regulation has been so single minded, they have cut corners with the rulemaking process. Under the proposed regulation, an employer's obligation to implement the full ergonomics program is triggered when an employee has an OSHA-recordable MSD injury. OSHA's definition of a recordable MSD injury is one where ''exposure to work caused, contributed to the MSD, or aggravated a pre-existing MSD.'' An employee could actually have an injury caused entirely by nonwork-related factors. This regulation would require the employer to

implement a full-blown ergonomics program if the employee's job requires them to do something as simple as standing, which aggravates the injury.

I have had an ergonomic injury trying to pull up carpet tacks in a new house. I spent a weekend pulling up carpet tacks. I could not move my arm the next day. I went into work. I couldn't use the typewriter, even a pen, but I knew what caused that: pulling up the carpet tacks and ripping up the rug.

Under this rule, if I had gone in and told the employer, darn, I can't use the typewriter, I can't pick up a pencil today, I can't lift the law books, under this definition, that would have been a recordable MSD injury for my employer.

That would not have made him happy. What is even more remarkable about this regulation is that the language comes directly from OSHA's 1996 proposal to revise the recordkeeping standard which has not yet been finalized. OSHA is actually trying to finalize their proposed recordkeeping standard by inserting that language in the ergonomics proposal. That is an outrage and a clear violation of the principles of fairness and disclosure that underlie the rulemaking process that must be and should be subject to challenge under SBREFA and the appropriate procedures and actions.

The fact that OSHA has taken liberties with the rulemaking process is hardly new. Most of us remember in January when OSHA tried to impose on employers the obligation to check the homes of employees who telecommute for safety hazards. OSHA was attempting to do this through a letter of interpretation in response to a legitimate inquiry from an employer. The outcry over this move was so loud and so bipartisan that the Secretary of Labor herself had to withdraw that crazy idea the next day.

One of the reasons OSHA's attempts blew up in their face so badly was because of this ergonomics regulation. Employers immediately realized that if they were responsible for safety hazards in an employee's home, the ergonomics regulation would require them to intrude into their employees' private lives far too deeply. The regulation already expects employers to be responsible for injuries that are not caused by workplace exposures. If employers were to be responsible for safety issues at home, there would be no limit to what they would have to cover. Employers would never be able to control the exposure to ergonomic risk factors in the home, or distinguish which risks were part of work activities and which risks were part of everyday life like picking up their children.

This is the most expensive, complicated, expansive, burdensome, and destructive regulation that OSHA has ever proposed. That is no small title to achieve. When you are dealing with OSHA, that is a high stump to jump. But they have done it on this one. Indeed, it could be one of the most burdensome regulations ever proposed by the Federal Government. OSHA is pursuing this regulation with no concern for the impact it would have on employers, or the fact that employees will lose their jobs because of this regulation.

I call on my colleagues to pass the Enzi-Bond amendment to the Labor-HHS appropriations bill to stop OSHA from finalizing this horribly flawed regulation and force them to reconsider their approach and listen to the scientific evidence and to the people who are making their best efforts, successful in part already today, to reduce ergonomics injuries. To vote against this amendment is to say that an agency can promulgate a regulation without providing an adequate scientific foundation, and they can impose a crushing burden that would drive small businesses out of business and deprive employees of their jobs without considering the impact. That must not be the case.

I strongly urge and beseech my colleagues to support this amendment and put a stop to a terribly bad idea before OSHA takes the bull whip to small businesses throughout this country.

CLOTURE MOTION

Mr. REID. Mr. President, I send a motion to the desk.

Mr. BOND. Mr. President, I believe I have the floor.

Mr. REID. It is a cloture motion.

The PRESIDING OFFICER. The Chair will examine the motion.

The Senator has a right to send a cloture motion to the desk without having the floor.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to commit H.R. 4577 to the Appropriations Committee with instructions to report back forthwith with the amendment No. 3598:

Jeff Bingaman, Richard Bryan, Daniel Akaka, Joe Biden, Richard Durbin, Bob Graham, Barbara Boxer, Byron Dorgan, Max Cleland, Thomas Daschle, Daniel Inouye, Harry Reid, Paul Wellstone, Joseph Lieberman, Charles Robb, John Rockefeller.

Mr. REID. I express my appreciation to the Senator.

The PRESIDING OFFICER. The Senator from Missouri still has the floor.

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the OSHA regulations, these ergonomic regulations.

First, I want to say that it is a worthy goal to improve safety and health in the workplace, but we ought to look at it carefully and we ought to, as a representative body of the people, look at the democratic aspect of this process and be prepared to examine these regulations before we authorize them to go forward and make sure they meet a scientific standard, and in addition to the extraordinary costs we know they will cause, we need to know that they will actually improve safety and health in the workplace.

Last year, before OSHA published its proposed ergonomic rules, Senator BOND introduced a bill, which I supported, prohibiting OSHA from publishing its final ergonomics standard until the National Academy of Sciences completes a congressionally mandated peer-review of all the scientific literature concerning ergonomics.

Unfortunately, a minority number of Senators in this body were able to block its consideration. This year, I am pleased to join with Senator ENZI, who has tenaciously and effectively pointed out the problems with this rule and why it ought to be delayed.

I just believe that we have to remember that experts have characterized this legislation as ''the costliest government job mandate since the founding of the United States.'' That is a matter that should give us all pause.

I believe it is important to base whatever regulations we have on sound science, and I don't believe that OSHA has done so. This is an important issue. I am going to talk about three cases in recent years in which OSHA has been found not to have based its regulations on sound science or justifiable procedures. I do that because a lot of people think, well, if OSHA says it, it must be good. Somehow they are blessed with ''all-knowing wisdom.'' But you have already heard from Senators who pointed out a number of things that OSHA has done that are certainly not justifiable. It is not what I say to you today, but what the courts have said about this that is important.

Certainly, it is important to provide a safe environment. Ergonomics, though, are based upon decisions and recommendations made by ergonomists and/or engineers, and not physicians, and their medical theories have proven to be controversial.

OSHA has attempted to apply ergonomics in three legal cases that they litigated to judgment. In each instance, OSHA suffered major losses. These cases demonstrate the vast uncertainty surrounding these regulations and the science OSHA claims supports their implementation. Even the ''experts'' on ergonomics at OSHA admit there is a great deal of uncertainty in these regulations.

OSHA has litigated these claims under the ''general duty'' clause of the Occupational Safety and Health Act of 1970. This clause provides a general obligation on every business in America, all employers, to protect workers from ''recognized hazards'' of ''death or serious physical harm'' and functions as a catchall under which OSHA frequently attempts to expand its regulatory power.

One important aspect in the cases I will discuss is that OSHA had the burden of identifying hazardous job conditions. In the cases I am talking about, OSHA had to prove these were hazardous job conditions, and they have to show how they would be corrected. In the rule we are debating, the burden will be put on the employers to make these decisions. We are going to find out that OSHA could not do it. Yet they are going to demand that every employer in America—many of them small businesses—are to meet these kinds of standards.

No. 1, in the 1995 case, Secretary of Labor v. Beverly Enterprises, OSHA sought to prevent nursing home employees from lifting up residents in order to care for them and move them about the room. OSHA would have preferred carting the elderly residents about with mechanical hoists.

In a 31-day trial before a Federal administrative law judge, OSHA presented four expert witnesses, each with a Ph.D. in this field. These were some of the leading ergonomics theorists in the Nation, some of which had done extensive research on the practice of lifting in nursing homes.

The federal administrative law judge concluded ''There is no reliable epidemiological evidence establishing lifting as a cause of low back pain. Science has not been successful in showing when and under what circumstances lifting presents a significant risk of harm, none of the experts could say with reasonable medical certainty that any injury claimed by Beverly employees was caused by their job tasks.''

With all of the resources of the federal government, including numerous experts, the Department of Labor and OSHA were not able to fulfill their obligation to ''define the hazard in such a way as to advise Beverly of its obligations and identify the conditions and practices over which Beverly may exercise control so as to reduce or eliminate the hazard.'' That is a direct quote from the judge. If a federal agency is unsuccessful, how are employers expected to meet this burden under the ergonomics rule.

The courts have also spoken in regards to the ''flawed'' science that is the basis for this proposed ergonomics rule. In the 1998 case Secretary of Labor v. Dayton Tire, OSHA launched an attack on 22 different manufacturing jobs in a single tire-manufacturing plant.

This is yet another case of the federal agency utilizing their large financial and personnel resources to prove their case. OSHA assigned three compliance personnel to a six-month inspection and investigation of the facility. At trial before the administrative law judge it called more than three dozen witnesses, including 31 employees, 4 doctors from the facility, 3 OSHA investigators, and 2 experts.

Thousands of man hours were spent in preparation for the trial, studying the jobs they claimed caused the injuries. The trial lasted 6 months, even though the company only called one witness.

The OSHA witnesses had extensive experience with ergonomics, with one having spent the last six years as an analyst for OSHA whose ''primary job'' was conducting ergonomic analysis.

OSHA's medical expert in the case was a university professor who was certified as an expert in ergonomics, who with the assistance of three other faculty members and six residents, had conducted extensive analysis of the medical records of the Dayton Tire employees who allegedly suffered from musculosketetal disorders. The Professor confessed during the trial that ''if he had been the treating physician, he would not have felt comfortable making a diagnosis of the conditions, nature and cause'' of those injuries.

This uncertainty is quite alarming coming from a man with expertise in the area. The fact that he conceded that his study did no more than ''present a red flag that something may be wrong'' at the plant concerned the judge.

The judge ruled and held that this method was ''not trustworthy'', ''scientifically valid'', or ''scientifically reliable'', stating that ''Conjectures that are probably wrong are of little use''.

Ultimately, the judge concluded that the expert's analysis ''failed to meet the minimal requirements for evidentiary reliability established in Daubert v. Merrel Dow Pharmaceuticals, Inc., the 1993 Supreme Court decision that requires judges to exclude ''expert'' testimony that uses scientifically invalid methodology or reasoning. This standard is generally referred to as the ''junk science'' standard.''

This testimony was rejected as not even valid testimony under the ''junk science'' doctrine. That is what OSHA was relying on in that case.

The fact that OSHA characterized the methods of their experts in the Dayton Tire as ''widely used and generally accepted'' among ergonomics experts, clearly shows that when scrutinized the science that is the basis of this ergonomics standard is fundamentally flawed.

In the 1997, Pepperidge Farm case, OSHA had its only opportunity to have an ergonomics case decided by the full Occupational Safety and Health Review Commission.

The risks that OSHA identified in the case were ''capping'' cookies—employees lifted the top of a sandwich cookie from one assembly line and placed it on top of the bottom of the cookie on another assembly line in a repetitious fashion.

To abate these conditions, OSHA ordered the company to increase its staff, slow assembly line speeds, increase rest periods, or simply automate the entire operation.

Automation means job loss. People complain that when we automate we are losing jobs. One reason that is happening is these kinds of regulations that drive up the costs; and to make it more economic for a company to avoid these kinds of lawsuits and Federal complaints, they could just go on and create some new form of a machine that could do the work without people.

While the commission did accept some of the major premises of ergonomics, such as repetitive workplace motions causing worker injuries—I am sure under the circumstances that can happen; I would not dispute that—the commission ruled that OSHA failed to show that its proposed ergonomics measures were appropriate means of reducing musculoskeletal disorders purportedly caused by the worksites.

The Commission found that some ergonomic measures had been implemented by the company and that the additional measures proposed by the agency's expert ergonomists were not shown to be feasible and effective.

The decision is particularly damaging because OSHA had enlisted enormous resources and leading experts to show what the company should have done to avoid worker injury. Yet OSHA and its experts could not prove in open court what works, again raising the question of how businesses can make such determinations when OSHA can't.

In these three cases OSHA deployed hundreds of experts and millions of dollars to target what they considered to be particularly hazardous worksites. But because of the flawed science the agency could not determine what if anything was wrong, or how to correct it. And the courts rejected their view. This is why business is concerned.

Some think just because they have the name OSHA, that they do everything right. They have been knocked down time and again by the courts. Businesses do not understand and do not have confidence that the 300 pages of these proposed regulations are going to apply fairly, and they do not believe it is scientifically based. I can understand their concerns. Employers should not be held to a standard that has consistently alluded the agency that seeks to regulate them.

I believe we should pass Senator ENZI's amendment and delay the

ergonomics standards until the uncertainties regarding the science and implementation of this can be further explored. I don't know the answer. OSHA has, through these three cases, established that they don't have the answers either. Why don't we allow the National Academy of Sciences' study to be completed? Why don't we get opinions of the physicians and medical experts who can understand these issues before we rush to force these regulations into play?

That is what we should do. That is why I believe the amendment by Senator ENZI is the proper amendment.

Let's get the scientific basis before we act.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senators on my side of the aisle who have spoken on the ergonomics amendment and the detrimental method by which OSHA is trying to force the standard through.

I ask unanimous consent Senator DOMENICI be added as a cosponsor.

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

Mr. ENZI. I thank Senator HUTCHINSON for his great delivery on the way the rulemaking process works and the way it has been forced in this instance. I thank Senator BOND not only for the speech he gave on the floor a while ago but for his continued interest and knowledge on the issue of ergonomics and his particular concern for the small businessman and how this rule and former ''rumored'' rules would affect them.

This is the furthest a standard has ever gotten on ergonomics. It has now been published. It is the first one to be published. Now people have an opportunity to see how harmful or damaging it can be.

I am the chairman of the subcommittee on workplace safety and training. I have worked a number of OSHA issues since I have been here. I have always tried to be reasonable on the issues on which I have worked. I appreciate comments from the other side of the aisle about the way I have worked with the other people.

I need to let everybody know what is happening. There are the votes to pass my amendment, so there is a filibuster to keep it from ever coming to a vote. There are people who would prefer not to vote on this measure at all. If they are listening to the debate, they should be interested in making sure that the rules get the full amount of time needed to decide properly whether that will provide the workplace safety about which we have been talking.

I offered an amendment, and there was a motion to commit. Some may not know what a motion to commit is, using another bill. It sends it back to committee to put in a completely different provision from ergonomics. There was an insistence it be read in full. It took only an hour and a half out of our day. That is Senate procedure.

Now we have an amendment on the bill again that brings us back to the ergonomics amendment. It is essential we get a vote on this ergonomics amendment. It is essential the Senators get an opportunity to say whether they think OSHA has been rushing a bad product. You will see a very conclusive vote on that when it comes to a vote.

This is a vote about how your Government, more specifically your bureaucracy, operates. This is not about safety necessarily, because if it was about safety, there are some other approaches OSHA would take. OSHA is not necessarily a safety organization. It is about fines, not necessarily prevention.

One of the things that has come up since I have been working on the OSHA issues is an explanation of how much injuries have increased since we passed the OSHA Act. I decided I would go back another 30 years before the OSHA Act and see what has been happening with injuries in this country. Do my colleagues know what I discovered? Injuries were decreasing at the same rate since 30 years before we thought of OSHA.

Do my colleagues know why that is? It is because businesses are concerned about their people. They are concerned about them. If they do not have a worker there, they are not getting the work done that they expect that person to do. Injuries cost money. Injuries are difficult to work with.

When we were doing the hearing on the work restriction protection—that is the part where workers comp will supersede State workers comp on the Federal level, which is poorly designed, very inadequate, and there is no money to do it—during that hearing, we received testimony from Under Secretary Jeffress. I was pleased to read his testimony. Witnesses get a short time before the committee to present testimony. During the course of that, I will read the rest of the testimony so I know what they intended to say if they could have said everything they wanted to say.

I ran into a paragraph about New Balance shoe manufacturing facilities. That caught my eye because for years my wife and I ran a shoe store in Gillette and in a couple of other places. New Balance was one of the shoes we sold. I was very pleased they make narrow shoes. It is a very good tennis manufacturing company.

In the statement, it said this New Balance shoe manufacturing company cut their workers compensation costs from $1.2 million to $89,000 a year and reduced their lost and restricted days from 11,000 to 549 during a 3-year period.

I asked Secretary Jeffress how much they had to fine this company to get them to do that fantastic work. They did not have to fine them. Of course not. Can you imagine the economics of reducing your cost from $1.2 million to $89,000 a year? That is good business. It also saves employees.

There are other examples of companies that have reduced their injuries dramatically. I said if OSHA was not there to fine them, how would that possibly have happened? Again, companies, for the most part, are extremely concerned about their employees. In fact, when the ranking member of our subcommittee spoke earlier, he mentioned that in his State of Minnesota, GM and 3M, and some other companies I did not get written down, are reducing their injuries dramatically. What I would like for him to do is to call those companies and see if they think this standard is essential to continue to do that.

The answer will be a resounding no, this will cost them a lot of money which will be diverted from the things they are already doing.

I wonder how many people know that ergonomic injuries, according to Department of Labor statistics, have gone down 24 percent since 1994. Imagine that. This rule was not in place. This rule is just proposed. Yet American business reduced ergonomic injuries 24 percent. There were no fines, no penalties, no standard, no rule, just concern for their employees. It is pretty amazing.

Can you imagine what those businesses would be able to do if OSHA saw as their mission preventing injuries—not fining, I did not say fining—preventing injuries and focused their efforts on helping businesses, particularly the small businesses for which Senator BOND expressed deep concern, the people who do not have all of the experts on board to make the best care possible? If the focus of OSHA helped those small businesses figure out what they could do differently, I bet we could get that decline rate up to about 50 percent, but it takes some experts helping out, not total concentration on a phony rulemaking procedure.

Oh, did I say ''phony''? I am sorry, but not very sorry because when I explain how this rulemaking procedure is working this year, everybody in this Chamber might agree that it is a phony process.

OSHA is paying witnesses to testify. They are not paying expenses, they are paying them to testify. They are not just paying them to testify, they are even telling them other things they ought to say, ways they can beef up their testimony. If it is a $10,000 expert, don't you think he could write his own testimony? I do.

OK, a $10,000 expert, and then they have them come and do a mock hearing. An expert needs a mock hearing? I

do not think the whole $10,000 goes to the testimony, because from some documents I have been able to look at, it appears to me $2,000 of that is really supposed to be to tear apart any testimony in opposition OSHA gets. They are paying people to tear other public testimony apart. Does that sound like something your Government ought to be doing? That is how badly OSHA wants this rule.

It was mentioned this morning that this is a proposed rule. Of course, it is a proposed rule. There is a process that it is supposed to go through, and it is not supposed to just take a year. That would be a record for OSHA even when they are doing much simpler rules. This is a very complicated one, a very expensive one, time consuming, and a damaging one. They are going to force it in a year. Every indication I find says they can do it unless we adopt this amendment. Is that why we are getting so much opposition through a filibuster to adopting this amendment?

Yes, this is about your Government, specifically your bureaucracy. This is about how your Government can control the business you work for without getting anything for the employee in return.

We heard some stories this morning about working people's lives, and we are concerned about those working people's lives. I was in small business, and when you work with people in small business, it is not a boss-employee relationship. If you cannot get along better than that, you probably will not have them as employees.

We had some examples of a few people, and there are many throughout the United States, who are being injured through repetitive motion. I am asking all of the businesses that deal with that to concentrate on eliminating the repetitive motion. I am asking OSHA to work with those businesses in finding ways to eliminate the repetitive motion.

Earlier we mentioned home office inspections, and everybody got up in an uproar saying that was already taken care of. Yes, this same department that we are talking about as proposing this rule—the same one—said that they had the right to go into homes and inspect. That raised a lot of interest, a lot of concern, and in about 48 hours—48 hours after we discovered it, not 48 hours after it was done—they discovered how terrible that was and they reversed it.

I really think if they think about the process that we are going through here, they would give some very serious consideration to reversing what is going on right now: Forcing a rule through, not giving any indication that any changes would be made, and part of that comes from this paying of witnesses.

Another issue we are dealing with around here is one about China, PNTR. I am getting a lot of letters on it. I am sure everybody here is. Half of those letters are talking about the way jobs are going to go overseas.

I am part of the NATO Parliament. I went to the last session of that. We talked about the way the Parliament changes. I was on the economic development committee for that. We talked about the ways that some of these other countries are having economic development. I saw some examples of how they were having economic development.

I saw a factory where people work for extremely long hours, every day, in complete body outfits, where only their eyes are visible. Their eyes are visible because they look into microscopes all day and weld on hard disc drives. It is an extremely tedious, repetitive motion. Those people get $350 a month. It should not happen.

But when we pass rules, by forcing rules through that greatly increases business costs, without protecting the worker at all, we are exporting jobs. The unions ought to be up in arms about this rule and what it will do in exporting American jobs. It concerns me. I hope it concerns everyone.

A lot of these things are interconnected. But the issue we are talking about here isn't as much what the rule is as it is the way it has been pursued.

I have asked questions to get information about how the process is working. I did not get the information. I found out the House had the information. I requested the ability to see it. I was told it could not be brought to my office. The House had fortunately made an arrangement by which I could look at it. But the arrangement did not say, ''in my office,'' so I had to go over there. But I was willing to do that. I was astounded at what I found when I got over there and figured out why it was they wanted me to go to every last bit of effort to look at it that I possibly could.

I have shared some of that with you. I would have liked to have shared it with you in more detail, but the agreement they had for me to even look at it said there was privilege in this that keeps a Senator, in an appropriations process, from being able to see the documents he needs to be able to see to know how the money is being spent so he can make decisions about how it will be spent in the future. I think that is unbelievable and it is just not right.

We have had some testimony in committee. We found out how OSHA gathers its testimony. We have found out how the whole process works. That is why I have asked everybody to vote against this.

QUORUM CALL

Mr. ENZI. Mr. President, I could go into more examples of what has been happening. I could counter some of the things that have been said, but at this point I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Smith of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Durbin	Harkin	Reid
Enzi	Kennedy	Smith (OR)
Feingold	Kerry	
Gorton	Lott	

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Majority Leader.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.—

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—94

Abraham	Feinstein	McCain
Akaka	Fitzgerald	McConnell
Allard	Frist	Mikulski
Ashcroft	Gorton	Moynihan
Baucus	Graham	Murray
Bayh	Gramm	Nickles
Bennett	Grams	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Robb
Bond	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee, L.	Inhofe	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden
Enzi	Lugar	
Feingold	Mack	

NAYS—3

Breaux	Conrad	Murkowski

NOT VOTING—3

Boxer Inouye Johnson

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, in a moment I will put in another quorum call. I thought we should go ahead and conclude that vote. We have come up with a procedure that I think is fair which will allow the Senate to go forward on the two issues that are now pending before the Senate. We are working on both sides of the aisle to make sure Senators are aware of what we are proposing. If we are able to get that agreement, there would be a couple of votes stacked in an hour or so. If we cannot get it agreed to, then there will be a vote here in the next 15 minutes.

I am sorry I cannot give a more certain answer right now. We hope to have some agreement in the next few minutes. We will then put in that unanimous consent request and proceed to have some debate agreed to and the two votes, or go straight to the point of order on the pending motion.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn and amendment No. 3594 be withdrawn and the Enzi amendment No. 3593 be laid aside. I further ask consent that the Robb amendment to the instructions be drafted and offered as a first-degree amendment to the bill.

I further ask consent that there be 1 hour for debate equally divided on both issues to run concurrently, and that at the conclusion of the time, the Senate proceed to vote on the Enzi amendment No. 3593, to be followed by a vote on the prescription drug amendment, without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, I assume that the majority leader is referring here to an up-or-down vote in both cases.

Mr. LOTT. Absolutely. That was the understanding that was reached.

Mr. DASCHLE. Right.

Mr. LOTT. Some on both sides had reservations about that, but that was the only way we could bring it to a conclusion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit and the amendment (No. 3594) were withdrawn.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, just so we can have an understanding of this, on our side the time with regard to the Enzi amendment on ergonomics would be controlled by the Senator from Wyoming, and the time on our side against the Robb amendment would be controlled by Senator Roth.

I presume Senator ROBB would have the time on your side, I say to Senator DASCHLE. Who do you wish to control the time on the other issue?

Mr. DASCHLE. Mr. President, I designate Senator ROBB as our manager on the Robb amendment and in control of the time. The manager in opposition to the Enzi amendment will be the senior Senator from Massachusetts, Mr. KENNEDY.

Mr. LOTT. I believe we are ready to proceed with the debate. I yield the floor.

MODIFICATION TO AMENDMENT NO. 3598

The PRESIDING OFFICER. The clerk will report the Robb amendment.

The legislative clerk read as follows:

Amendment No. 3598 previously proposed by the Senator from Virginia [Mr. ROBB], as modified.

Mr. REID. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Pursuant to the previous order, the modification to the amendment is as follows:

At the end of the bill add the following:

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I yield myself 2 minutes of the 15 minutes that are allocated to the affirmative position on this amendment.

Mr. President, for the benefit of our colleagues, I would like to summarize this amendment as succinctly as I can. It is a bipartisan bill that would guarantee access to a comprehensive, meaningful prescription drug benefit for all Medicare beneficiaries. Unlike other drug proposals, our bill would guarantee total coverage for seniors, without any limits or gaps.

Let me say, however, to my colleagues on the other side of the aisle, that this benefit is not some ''big government'' solution to the Medicare prescription drug problem. In putting this proposal together, our bipartisan group opted to rely on private sector, market-based mechanisms to deliver medications to seniors. Competition and choice are at the very essence of our bill. For those who suggest that we need to take a centrist approach, I say that this bill is that logical bipartisan compromise. And we need to act on it now.

Mr. President, today is June 22. With the Senate deep into the appropriations process, we have very few legislative days left in this session. If we are going to get a prescription drug bill to the President's desk, we need to consider one now.

Mr. President, I've spoken previously today about the stories I heard in a series of health care fora held in my state over the past month. In one of them, I spoke to a physician who was prescribing the drug Tamoxofin for women who had been diagnosed with breast cancer and who were Medicare eligible. One woman was sharing her prescription with two other women who simply could not afford it—a travesty by any health care standards. I've heard many other stories of similar magnitude.

Prescription drugs are clearly a part of modern medicine today. They are a necessity, not a luxury. I ask that our colleagues respond affirmatively to this chance to provide modern medicine to those who are eligible for Medicare.

I reserve any time not used.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 3 minutes.

Mr. President, I rise in opposition to the so-called Robb amendment, not because I necessarily oppose its terms but because it affects, in an adverse manner, the possibility of getting legislation on prescription drugs enacted this year.

Prescription drugs is a matter before the Finance Committee. It is undoubtedly the most important domestic legislation that will be considered this year. Nothing will happen if we permit this legislation to become partisan. We do not need a Democratic bill. We do not need a Republican bill. We need legislation that represents a bipartisan consensus on both sides of the aisle.

We have worked very hard in the committee to develop the kind of information that is essential to design a bill that will meet the needs of the American people. We have spent something like 15 days on hearings, bringing before us experts as to what we should do to, frankly, modernize our Medicare legislation.

The last 2 weeks have been spent in meeting with Republicans and Democrats alike on the various proposals that have been made both by Republicans and Democrats in the House and the Senate.

We just completed that process this afternoon. I am very happy to say that I think the end results of these meetings give us a good chance to develop a bill that can be supported by both Republicans and Democrats.

I know there are people who want to make this a partisan issue. I know there are people who want to have a Republican issue on this matter, and the same is true on the Democratic side. But I say that this matter is too important—too important to our senior citizens—to try to rush it through

in a political way rather than working together.

During our hearings, we had representatives of the AARP and other advocate groups. The one message they gave that came through loud and clear was: Do not rush something through. Make sure that whatever you do will meet the needs of the American people. They urged, time and again, that it is essential that we act with care.

Let me point out, to those who want to have a vote all of a sudden on a piece of legislation that has not been studied, that in 1987, the Congress voted for—and it was signed into law—catastrophic legislation. That was passed in 1987. In 1988, it was revoked because the legislation did not do what the people thought it would do. We must not make that mistake again.

It is critically important that as we move ahead, we move ahead with care and understanding. Let me say, I understand full well the importance of this legislation and want to get it done. But it does not help the process or the development of a good piece of legislation if it is handled in a partisan way.

This bill was only introduced 2 days ago on June 20. The text of the bill has not even been printed in the CONGRESSIONAL RECORD. Are we going to act on that today without an understanding of what it includes and what it means?

It is estimated this legislation would cost, over 10 years, something like $200 to $300 billion.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. ROTH. I yield myself 1 more minute.

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

Mr. ROTH. In 5 years, it is estimated it would cost something like $75 billion. Under the budget resolution, we are allowed to spend $20 billion in 5 years, if we have no reform. If we have reform, our program can consume up to $40 billion. This piece of legislation would cost something like $75 billion. The last thing we need to do is move ahead on legislation that would put our Medicare program at greater risk. Its solvency is already estimated to last only until 2025. In adopting what will be admittedly an expensive new program, we want to make sure that it is fiscally sound.

I urge and hope my friends on both sides of the aisle will reject this legislation and give the Finance Committee, which has jurisdiction, the opportunity to develop a bill that will serve the needs of our senior generation.

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

The Senator from Virginia.

Mr. ROBB. Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. BRYAN.

Mr. BRYAN. I thank the Senator from Virginia.

Mr. President, I am pleased to join with my colleague from Virginia in offering a Medicare drug program.

For the 223,000 Nevadans who are Medicare recipients, no legislation we will debate in this Congress is more important for them. Two-thirds of them have either no prescription drug coverage at all or inadequate coverage—this at a time when prescription drug prices are increasing at a rate of nearly 20 percent a year.

I will talk about what this measure will do. First, it provides guaranteed and universal access to prescription drugs. Unlike some of the other proposals being debated, this benefit will actually be available because it is offered as an integral part of the Medicare program. Second—and this is important—the benefit is comprehensive and defined, simple. It is understandable. Beneficiaries understand what the coverage is, and it will not change from year to year or month to month. Moreover, this is the only proposal to offer complete coverage after the deductible. There are no gaps or limits. The bottom line: All seniors will be guaranteed access to affordable drugs and will have the peace of mind knowing that full coverage is provided for any and all expenses above $4,000. Any expenses for prescription medication above $4,000 are completely handled under this program. Third, this benefit is affordable for all beneficiaries. Those with the lowest incomes are provided the most assistance.

Finally, and critically, this proposal maximizes competition and provides choices. All of us who have been privileged to serve on the Finance Committee and to study this issue recognize the element of competition and choice as being an essential reform. This is not a one-size-fits-all program. Multiple private businesses are used to administer and deliver the benefit so there is competition at two levels: first, in terms of who are being chosen to provide the benefit and, second, those who are chosen compete and try to sign up beneficiaries for that program. So there is both competition and choice.

In sum, this amendment gives beneficiaries what they need most—long overdue coverage of prescription drugs—and it also injects competition into the program and provides choices for beneficiaries. It is the first proposal to offer universal, guaranteed, affordable, fully-defined comprehensive coverage, no limits, no gaps, no gimmicks. This proposal is for real. Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

I urge my colleagues to join me in supporting the proposal of the distinguished Senator from Virginia. The time to act is now.

I yield the remainder of my unused time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, does the Senator from Delaware or anyone opposing this particular bill wish to speak at this time?

Mr. ROTH. The Senator from Virginia may proceed.

Mr. ROBB. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

Mr. GRAHAM. Mr. President, I commend our colleague, Senator ROBB, for the outstanding leadership he is providing on this critical issue. On Monday, Senator ROBB and I visited the Archbishop McCarthy Residences in Opa-Locka, FL. There I met an elderly lady who had this story to tell. She had purposefully joined an HMO in order to be able to get access to pharmaceutical coverage.

Two months ago, the HMO announced it was dropping all pharmaceutical coverage. This was the first month in which the impact of that was felt by this elderly American. What did it do to her? She has five medically necessary prescriptions. She had to decide to forgo three of those five because she could not afford them. The two she thought she could not omit cost her $168 a month out of her very limited income.

This is not a theoretical or conceptual issue. This is a real life-and-blood issue for millions of Americans.

It has become an issue, in part, because of our successes. When Social Security was established in the mid-1930s, the average American had a life expectancy after 65 of 7 years. Today, the average American has a life expectancy after 65 of 17 years. According to the Census Bureau, 100 years from today, the average American will have a life expectancy of 27 years after they reach 65.

Those numbers have fundamentally changed what constitutes effective, humane health care. It has meant that we need to be making an investment in prevention. If a person is only going to live a few years after retirement, one could argue, why spend the money on prevention. But if a person is going to live 17 or 27 years, that is a big share of their life.

In addition, because of that extended life, there is more emphasis on care for people who have chronic conditions that have to be managed for many years. Both of those, prevention and chronic care, necessitate access to prescription drugs. That is what this plan will do.

The year 2000, the beginning of the 21st century, will mark the year in which older Americans will no longer have to make the choice that the woman in Opa-Locka did, to drop three of her medically necessary prescriptions and then end up paying a very

high part of her meager income to buy the two drugs she could not avoid.

I congratulate our colleague for bringing this amendment forth. I urge all of our colleagues to see this as a kind of opportunity and pass the Robb amendment.

Mr. MCCAIN. Mr. President, it is simply wrong that many of our nation's seniors who live on fixed incomes must choose between medicine and food. Our seniors should not be forced to drive over the border to Canada to purchase affordable prescription drugs.

As I have said many times over, we must work together to develop an initiative for helping America's seniors obtain the prescription medication they so desperately need without forcing them to chose between groceries and vital medicines. Each of us must put aside partisan politics and work together to help our nation's seniors—many of whom are skipping or ignoring their medical needs because of the exorbitant prices they must pay for medication.

But I can not support the proposal before the Senate this evening. I can not support using parliamentary procedures and political posturing to force a vote on a proposal that has not been available for extensive review, analysis and input—particularly from our constituents and the very seniors we are trying to help. That is simply wrong.

Congress must take great pains to ensure that a Medicare prescription drug plan does not repeat the mistakes of Medicare Catastrophic legislation in the late 1980's. Medicare Catastrophic made broad, expensive reforms in the Medicare system which seniors saw as excessive, unnecessary and unviable. To truly help seniors obtain prescription drugs we need to take the time to engage in a thorough debate carefully scrutinizing and vetting the proposal. We must be conscious of what America's seniors want and need, and balance that with fiscal restraint and responsibility. We must find a method for helping our nation's seniors have access to prescription drugs that does not place an unfair and unexpected burden upon them or the taxpayers.

Mr. President, I respectfully request that my remarks be included in the RECORD with the debate regarding this amendment.

Mr. JEFFORDS. Mr. President, let me take just a brief moment to explain to my colleagues why they should join me in opposing the Robb amendment.

I am going to vote against this amendment because this amendment would stall a very important bill, the Labor, Health and Human Services Appropriations bill, and send it back to go through the process again. I have been meeting on a bipartisan basis in the Finance Committee, working in good faith, to come to an agreement to provide prescription drugs through Medicare. I am disappointed that my colleagues have decided to throw bipartisanship aside and offer this politically motivated amendment. The fact is, Mr. President, I got this amendment only a few minutes ago, and it has not even been printed in the CONGRESSIONAL RECORD.

I have always been very clear that I support a prescription drug benefit for Medicare beneficiaries, and I have several well drafted bills that would help seniors with their drug costs now. I have been working on a bipartisan basis to address the issue of coverage for seniors as well as the issue of the inequity of international pricing disparities for prescription drugs.

It is very difficult to understand this amendment because it is actually missing several pages, but from what I can tell, this bill has serious problems that need to be addressed. First, this amendment is drafted in such a way that would threaten the solvency of a Medicare program that is already in financial trouble. This proposal contains no reforms that would make the program more efficient, and in fact could cost as much as $300 billion over 10 years—far more than has been set aside in the Budget. The fact is, this amendment has not been considered by any Committee, and has only been considered for 30 minutes on this floor. In short, Mr. President, this is no way to pass landmark legislation that will affect all of our senior citizens.

For these and other reasons that I do not have time to list, I will join a bipartisan group of Senators in voting against this ill-advised procedure and against a politically motivated amendment that will keep us from accomplishing a real, bipartisan prescription drug benefit that will help our seniors right now. It is my intent to vote on a real prescription drug benefit that will benefit all seniors, and to complete legislation this year that will address the inequity of international pricing disparities.

Mr. ROBB. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes. The Senator from Massachusetts has 15 minutes. The Senator from Delaware has 11 minutes.

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am concerned about the need for prescription drug assistance to needy seniors. I have traveled all across my State and, frankly, I think there are many seniors in need of some stop-loss protection. Those without coverage want to be able to buy drugs at discounted prices like those with coverage can because they are part of a group. This measure brought before us today literally takes longer to read than we have allowed for debate in the Senate on it. My staff hasn't been able to get a copy of it, which doesn't provide us with an intelligent and responsible way of making decisions here.

I think there are some good concepts here. I like the concept of stop-loss protection. In talking to people in my State, they want that. They want some sort of copay for people, but they want this to be available for people at all income levels. We spend a lot of time here in the Senate trying to make it possible for people to make good decisions by mandating that there be plain language, or that there be time for people to read things, or time for people to consider things in making contracts or otherwise entering into agreements. Yet we are being asked today, without any strong, valid, and reliable estimation as to cost, without an opportunity to actually see what is being proposed, to make a commitment, or instruct the Congress to commit to the expenditure of funds that might invade the Social Security surplus, which might well impair the capacity of this Government to meet its other obligations. It is not responsible. It is not the way we ought to do business.

So while I very much appreciate the effort, and I believe that we ought to find ways to help needy seniors to get access to prescription drugs, which can frequently keep them out of the hospital and help them remain independent and can save what would be hospital costs under Medicare, I think it is reasonable that we would have an opportunity to read the legislation, an opportunity to know something about an accurate estimate of its cost.

So I have to say that I don't think we should pass that which we haven't read, or that which is not available for our inspection. For that reason, regrettably, I announce that I will have to vote against this legislation. I think its intention is good, and I think many of its proposals appear to be in line with what the people would want and expect but without having an opportunity to read it and inspect it, to understand it and understand its cost, I think it is unwise for us to vote in its favor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield 2 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, commend my colleague from Virginia, Senator ROBB, for his wonderful leadership on this issue. My colleagues have already spoken eloquently about the need for prescription drug coverage among seniors and, certainly, the basic components of this amendment. I won't reiterate what they have said. We, as a body, must make this a priority, and we have not. I think this amendment is timely because the House is scheduled to act on it today. It is quickly becoming a crisis issue for many seniors in

the country today, and that is why I am here as a supporter of a bipartisan plan in the Senate.

As a Senator who represents the State with the highest poverty rate among seniors, I am committed to seeing that the Senate act this year to implement a prescription drug plan. With all due respect to the chairman's comments in terms of timeliness and what must go through committee, the bottom line is that we are running out of time to do something on this issue.

This plan will provide immediate, affordable, and comprehensive drug coverage to seniors who often have to make the choice between buying food to eat or buying the prescription drugs they need. I want to emphasize the importance of the Medicare outpatient drug plan to rural seniors. In particular, this plan helps all seniors, particularly those who are low-income and living in rural areas. This is important because low-income and rural seniors are less likely to have adequate prescription drug coverage. Nationally, rural seniors are 60 percent more likely not to be able to buy needed prescription drugs due to their high cost. A greater proportion of rural elderly spend a large percentage of their income on prescription drugs. Rural beneficiaries need adequate coverage because they are more likely to have poor health and lower income than seniors living in urban areas. In Arkansas, 60 percent of the State's seniors live in rural areas.

This is a good prescription drug proposal. It is a fiscally sound proposal that offers free coverage to our Nation's poorest seniors and reasonable benefits to those who can better afford to pay for some of their benefits. Our seniors deserve to enjoy healthier, longer lives without having to worry about affording the medicine they need. The Senate must act this year and this is an excellent time to do it.

I thank the Chair.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in a short time, we are going to have two votes that will define the difference in values between the two political parties in this Chamber. For 2 or 3 years now, President Clinton has been calling for a prescription drug benefit under Medicare. During that period of time, the Republicans were in control of the House of Representatives and the Senate, and a bill never came to the floor to deal with this issue, which is paramount in the minds of families across America. On the Democratic side, we have asked, from day 1, for a chance to bring the President's proposal or our own proposal to the floor. The only way this vote came about this evening on a prescription drug benefit under Medicare is because we had to tie this Chamber into procedural knots to achieve this vote.

Well, I commend the Republicans who are supporting this bipartisan measure, and I hope many of them will cross the aisle and join us in a bipartisan show of support for a prescription drug benefit. For those who think they can vote against this prescription drug benefit and go home and explain that it was such a new idea and they didn't have a chance to read it, I can tell them the President has had a proposal here for years. This idea has been out here for years. You have been in control of the committees and in control of the Senate. We have waited for your prescription drug benefit, but there is nothing for us to consider from the Republican side. The vote that we will cast in a few minutes will give Republicans and Democrats alike a chance to go on the record for a good prescription drug benefit bill under Medicare.

The second vote we will cast also defines the values of the parties. To think that each year over 600,000 workers in America get up and go to work and do their very best in the workplace and get injured because of these so-called musculoskeletal disorders, and they don't have the kind of protection they deserve from their Government. This is a call to action in this Chamber—a call to action that was heard by Elizabeth Dole when she was Secretary of Labor. She said we needed a standard, a call to action, which has been heard over and over again from working families across America.

The Republican position is to turn a deaf ear to these workers, ignore the fact that they are facing debilitating injuries and disorders in the workplace, which haunt them for the rest of their natural lives. It is the position of the Republican Party to stop this effort to bring safety to the workplace. This is nothing new. There has not been a single time in America's history when we have come forward with protection for workers that business interests didn't stand up and try to block it. Whether we are talking about child labor laws, safety in the workplace, time and time again, they have said it is too much Government, too much meddling, it will cost too much.

Well, I think the value on human life and the value on safety in the workplace is not too high a price to pay. We have an opportunity today to pass a prescription drug benefit that will truly help the seniors and the disabled, an opportunity to stand up for millions of workers across America who expect us to be sensitive to their needs. In my experience in life, years ago, I had one of those assembly line jobs. I saw injuries in the workplace. I saw people taken out of the workplace, down to the doctors office, and off the job for weeks at a time for injuries.

Perhaps there are some in the Chamber who have never seen that. But it is a memory that will be with you for a lifetime. Those workers—men and women—and their families expect us to stand up for safety in the workplace. That is our obligation. The response from the Republican side is, let's postpone this at least another year, and in another year there will be another 600,000 injured American workers. That is unacceptable.

The vote we will cast on these two issues really defines the values of our parties.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Thank you, Mr. President. I thank the chairman of Finance Committee for yielding me time to make a couple of brief comments on the issue that is before the Senate.

Let me suggest, first of all, that the issue in the Congress is not whether or not this Congress should be for providing prescription drugs under the Medicare program to seniors. There is no difference in that. I don't know of any Member of Congress to whom I have talked—either in the House or in the Senate—who is opposed to saying to the Nation's 39 million Medicare beneficiaries that they should be covered for prescription drugs. That is a given. The question is not whether they should be covered; the question is, How are we going to do it?

I suggest that this is a baby who is not ready yet to be born. What do I mean by that? What I mean is that we are taking 30 minutes to debate an attempt to pass a prescription drug proposal on which a national Medicare bipartisan commission spent a year and a half working. We are, in 30 minutes, trying to pass a bill which has never come through the appropriate committee of jurisdiction—the Finance Committee.

We have had 14 days of bipartisan hearings on this issue. This afternoon, in a bipartisan fashion in the Senate Finance Committee meeting room, we sat and discussed this same issue—this identical issue—on how to construct a Medicare prescription drug plan that can work. We met additionally another time this week on the same subject.

It is not the proper process to yank that work product out of the responsible committee and say we are going to have 15 minutes on this side to debate a new entitlement program being added to a Medicare program which is in danger of default. It is in danger of going bankrupt. And yet we are going to add a new entitlement program with 15 minutes of debate on this side, and 15 minutes of debate on that side, and say we have done what is right and proper for the Medicare beneficiaries of this country? I suggest that is not the right way to do it.

I commend Senator CHUCK ROBB, who is a member of our Finance Committee, and Senator BOB GRAHAM, who has spent a great deal of time crafting this amendment. This may be the right way to go, but it is not yet ready to get there. We need more analysis. We need to consider if you can do it through an insurance program.

Finally, I think it is incredibly important that, whatever we do, we do not just add an entitlement program without doing some real basic reform to the Medicare program.

We have a Medicare+Choice Program under Medicare right now. Does anyone in this body think it is working correctly? It is being micromanaged by HCFA with 4,000 employees, and it is a disaster. We should not be looking backward and doing things the old way. We are moving into the 21st century. We should not be acting as if it is the 19th century. We should be crafting new ways of solving these problems, and not going back to policies that have failed.

Medicare was a wonderful program in 1965. But it is frozen in the 1990s. The challenge we have is not to debate a political issue, but to come together to find a way to solve the problem.

There are interesting ideas that are being discussed by the Senator from Florida, by the Senator from Virginia, by myself, and others on the Democratic side, working with Members on the Republican side to come up with something that is creative. Are we not capable of thinking outside of the old style box of just adding another entitlement program to the Medicare program without reforming anything? I suggest we should not make that mistake.

If we want to put ourselves on the Record on prescription drugs, why not pass a Senate concurrent resolution that says, yes, we all think it is important that prescription drugs today are as important as a hospital bed was in the 1960s, and have a resolution that says that and says we are going to work in a bipartisan fashion to work out an agreement instead of debating an issue. I suggest that what we have is a very narrow opportunity to do that.

We are not going to be able to reform the whole program in the 30 days left in this session in a Presidential election year. That is not going to happen. But if we do prescription drugs, should we not do some reform attached to it? I think the suggestion and the answer is absolutely yes. Let the Finance Committee do our work, and bring something to the floor that is doable and passable. I suggest it is the right way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I will be very brief. I just want to make a couple of points.

No. 1, prescription drugs, I believe—I say this not only as a Senator but also as a physician who has personally taken care of thousands and thousands of Medicare patients—that prescription drugs absolutely must be a part of our Medicare program and system if we are going to really provide health care security for our seniors.

The challenge we have is that, indeed, prescription drugs replace the surgeon's knife—which I have used my entire adult life—and replace the hospital bed, which are important dynamics of health care.

But the real challenge we have is including that new additional benefit—which, traditionally, over the last several years has been 17 to 18 percent a year—into a rigid, inflexible, outdated Medicare program that we have not been able to reform.

The challenge before this Congress is to very thoughtfully incorporate prescription drugs coupled with true Medicare reform, to bring it up to date, to modernize it in a way that we can truly guarantee health care security to our seniors.

This particular amendment has not gone through the committee process. I can tell you that I for one, having spent the last 7 hours working on health care in an adjacent room off this Chamber, have never seen this particular amendment nor had the opportunity to read this particular amendment. So I absolutely am going to oppose this particular amendment, which is brought to the floor outside of the committee process and outside of my having had the opportunity even to read the amendment.

I have been working on prescription drugs with my colleagues in a bipartisan fashion for the last 2 years. I was on the national bipartisan Medicare commission, where we talked about prescription drugs. There are other proposals being debated in the House.

We have not had the opportunity to see this particular amendment. It has not gone through committee. It should not be introduced tonight, I believe, and hopefully it will be defeated tonight.

Mr. ROBB. Mr. President, I yield myself 30 seconds, and then I will yield to the Senator from West Virginia.

I remind my good friends on the other side of the aisle that this bill was read in its entirety earlier today, and it has been available for several days. But it has been debated for a very long period of time, and the concept has been debated at length and discussed at length.

There was an attempt to put together a prescription drug bill in the House. The Health Insurance Association of America has stated many times that the particular proposal from the House simply will not work.

At this time, I yield 2 minutes to the distinguished Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer and the Senator from Virginia.

This is really a moral issue, and the question is, Are we going to do it? We keep putting it off. We keep talking about it. We keep saying, let's have a commission, let's do a resolution, let's study it some more, let's make the process work perfectly.

I spent most of the afternoon in the Finance Committee trying to work out a resolution on this. Frankly, at the end, there was some hope. But there was also some discussion about what happens if we don't get to vote on prescription drugs. There was a discussion of that.

I don't want to see that happen. This will probably be our only vote on prescription drugs in this entire session. It is a bipartisan bill. I have made some compromises. Others have made compromises. It is a solid bill. It is probably the only vote we will have on it.

It is a moral issue, not a political issue, a moral issue that seniors don't have prescription drugs under Medicare. They ought to. JOHN BREAUX is right: Prescription drugs are like a bed in a hospital in 1965; now we are going to modernize it, it is available for all.

It is an amendment we should pass. It is a moral, not a political, issue. This will probably be the only vote on prescription drugs we will have in this session of the Senate.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment and to oppose the ergonomics rule that has been proposed by the Department of Labor. This is the rule: hundreds of pages long.

Senator DURBIN said a few minutes ago this vote will be about values. I will accept that challenge. It is demagoguery to say because we oppose this rule we are not for safety in the workplace. I don't think anybody sincerely believes that on the other side. I am for a safe and healthy workplace. If we want to talk about values, I hope Members will read this and realize what we are imposing on the businesses on this country. There are going to be workers who lose their jobs because of this rule. There will be small businesses that are going to go bankrupt because of this rule, if it is not stopped.

My colleagues, I am opposed to the ergonomics rules for three reasons: It is based upon uncertain science, at best. This body funded almost a $1 million study by the National Academy of Sciences, which is not yet complete. Why do we fund a study by the NAS and then allow OSHA to move forward with the rule before we have the scientific basis for the rule? The Enzi

amendment simply says let's hold off and wait until the science is in.

CRS says there is great uncertainty about what OSHA has proposed. Not only is there uncertain science, there is uncertain cost. While OSHA says it is a $4 billion cost, the Small Business Administration says the cost will be 15 times what OSHA says it will be. I am inclined to believe the estimates of the Small Business Administration. Private groups believe the cost will be many times beyond that. But we know that it will be very expensive. There is uncertain cost involved.

Third, I oppose this rule because of its uncertain impact. It is 600 pages with many unintended consequences. Many times we allow things to go on in these agencies in which there are unintended consequences, but we know that the OSH Act says that OSHA is not to impact workers compensation laws in the States. This will most assuredly do that.

As Senator ENZI has rightly pointed out, it is going to negatively impact Medicare, health care dependent upon capped Federal reimbursement. They will have to absorb the costs of the ergonomics with no way to recapture those costs.

We also know that OSHA has proudly said they have already used their general duty clause with over 500 citations on ergonomics. They are not helpless to protect workers in the workplace now. We should not allow them to move forward with an ill-advised rule.

The issue is not safety. The issue is not OSHA doing their job. The issue is whether we will do our job and whether we will stop an agency that is unresponsive, arrogant, and out of control. I urge my colleagues to support the Enzi amendment.

I retain the remainder of the 5 minutes.

Mr. ROBB. Mr. President, I yield 1 minute to the distinguished Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, in my State of Iowa, Sioux City, seniors regularly take bus trips to Mexico to get their drugs. Drugs that cost $68 in Sioux City are $7 in Mexico. Seniors in Waterloo, IA, are being bussed to Canada to buy their drugs. Seniors in Cedar Rapids, IA, are being forced to declare bankruptcy because they have run up their credit care debt so high just to pay for the drugs they need. Mr. President, $5,000 to $6,000 a year is being paid out of pocket by seniors who cannot afford it and are being forced into bankruptcy.

We are told this is not the time to do this, that we have to wait longer, that this baby is not ready to be born. The elderly have waited long enough, and they have been gouged deep enough, too deep, to pay for their prescription drugs. Now is the time to stand up for the seniors in our country and to vote aye on the Robb motion.

Mr. KENNEDY. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have documents printed in the RECORD to respond to some of the accusations regarding the Labor Department.

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

OSHA'S USE OF CONTRACTORS DURING THE RULEMAKING PROCESS: EXPERT WITNESSES AND CONSULTANT SERVICES

OSHA's use of expert witnesses and consultants is authorized by Congress, approved by the Courts, affirmed by the General Accounting Office, and consistent with OSHA's past practice for over two decades, as well as that of other agencies.

1. OSHA's Use of Expert Witnesses and Consultants is Expressly Authorized by Congress.

In 1970, Congress passed, and President Nixon signed into law, the Occupational Safety and Health Act (''OSH Act'' or ''The Act'') which expressly authorized OSHA to hire experts and consultants and to compensate them for their service. *See* 29 U.S.C. sec. 651 *et seq*. Specifically, Section 7(c)(2) of the Act, 29 U.S.C. sec. 656(c)(2) states:

''In carrying out his responsibilities under this Act, the Secretary is authorized to—(2) employ experts and consultants or organizations thereof as authorized by Section 3109 of Title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of Title 5, United States Code including travel time . . .'' (emphasis added).

In addition to the Secretary's specific statutory authorization to hire experts for purposes of administering the OSH Act, Congress authorized the Department of Labor to employ consultants through procurement contracts in the Labor/HHS Appropriations bill (Pub. L. 102–394; 106 Stat. 1792, 1825).

2. OSHA's Use of Expert Witnesses and Consultants Has Been Affirmed by the Courts.

In 1980, the Lead industry made virtually the same challenge to OSHA's use of expert witnesses and consultants in a rulemaking that the opponents of the ergonomics rule are making now. See *United Steelworkers of America et al*. v. *Marshall*, 647 F.2d 1189 (D.C. Cir. 1980). In reviewing this challenge, the U.S. Circuit Court of Appeals for the District of Columbia recognized that OSHA is empowered to employ experts as part of the rulemaking process. The Court concluded that OSHA properly used its contracted experts and consultants for the following tasks: writing the preamble, on-the-record reports, testimony and posthearing reports. The Court stated that ''The OSHA Act empowers the agency to employ expert consultants . . . and OSHA might have possessed that power even without express statutory authority . . .'' *Id*. at 1217.

The Court found no problems with OSHA's contracting for the services of experts and consultants in the rulemaking process. *Id*. In fact, the Court stated that ''we generally see no reason to force agencies to hire enormous regular staffs versed in all conceivable technological issues, rather than use their appropriations to hire specific consultants for specific problems.'' *Id*.

In fact, the Court praised agencies' use of experts and consultants as proof that the agencies have taken their statutory missions seriously. *Id*.

3. OSHA's Use of Expert Witnesses and Consultants is Authorized by the Federal Acquisition Regulations.

The Federal Acquisition Regulation (''FAR''), Office of Management and Budget Circular No. A–76 and the Federal Activities Inventory Reform Act also authorize agencies to contract for certain functions, including:

''Services that involve or relate to analysis, feasibility studies, and strategy options to be used by agency personnel in developing policy;

''Services which involve or relate to development of regulations; and

''Contractors providing legal advice and interpretation of regulations and statutes to federal officials.''

OFFP Policy Letter 92–1, Appendix B numbers 3, 4, and 18; *see* FAR sec. 7.503(d)(4).

4. Experts on OSHA's Rulemaking Processes Recognize OSHA's Use of Expert Witnesses and Consultants in Rulemakings.

It is traditional practice for OSHA to hire expert witnesses to testify at its rulemaking hearings. Both of the principal treatises on OSHA law, OSHA, History, Law and Policy, by Benjamin W. Mintz, and Occupational Safety and Health Law, edited by Stephen A. Bokat and Horace A. Thompson III for the American Bar Association, refer to this practice, which goes back at least to 1980, when OSHA arranged for 46 well-known experts to testify on behalf of OSHA's Carcinogens Policy.

ABA's ''Guide to Federal Agency Rulemaking'' addresses the use of expert witnesses in OSHA rulemakings, and describes the use of consultants as ''summarizing and evaluating data in the record, and helping draft portions of the final rule and its rationale.'' (Page 243)

5. The General Accounting Office Reviewed OSHA's Use of Expert Witnesses and Contractors in an Earlier Rulemaking.

In 1989, at the request of a House Subcommittee, GAO examined OSHA's use of contractors and expert witnesses and found that OSHA had used ''over 35 expert witnesses'' in the years 1986–1988, paying them generally ''$10,000 or less,'' and using them to testify during OSHA public hearings on proposed standards and rules. The report said OSHA used its contractors to assist in developing final rules and that they contributed to 36 different rules over three years.

6. OSHA has Historically Used Experts to Testify at Public Hearings About Parts of Proposed Rules Which Fall Within Their Areas of Expertise.

Among the other OSHA hearings at which experts have been used by are: Lead (1980); Hazard Communications (1983); Ethylene Oxide (1984); a revised asbestos standard (1986); Benzene (1987); and Methylene Chloride (1977).

The number of OSHA experts has varied from as few as one in the Excavation in Construction standard to 46 experts in the Carcinogens Policy hearing. Twenty-eight experts will have testified on OSHA's behalf at the conclusion of the ergonomics hearings.

7. Other Federal Agencies Use Expert Witnesses and Consultants in Ways Similar to OSHA.

EPA, FDA, and DOT make extensive use of consultants in their rulemaking activities, though they do not have hybrid hearings like OSHA's, in which OSHA permits the public to cross-examine their witnesses. EPA's use

of consultants has been challenged and upheld by the courts, BASF Wyandotte v. Costle, 598 F2d 637 (1st Cir 1979); Weyerhauser v. Costle, 590 F3d 1011 (DC Cir 1978). In the BASF Wyndotte case, the Court found no fault in EPA's use of a private contractor which ''invested 16,500 man hours'' in a rule making process.

OSHA's rulemaking process is more open than other agencies because the public can cross examine OSHA's expert witnesses in public hearings. Most other agencies engage experts to submit written testimony on a rule, but these experts do not participate in public hearings and are not available for cross examination as OSHA's expert witnesses are.

8. OSHA's Use of Expert Witnesses and Consultants Was Disclosed to the Public and Was Clearly Known to Parties Who Cross-Examined OSHA's Experts at Public Hearings.

All of OSHA's expert witnesses appeared on a witness list provided by OSHA under the heading ''OSHA Witnesses.''

It is clear that the parties who cross-examined OSHA's experts in the ergonomics hearings were aware that OSHA's experts were paid consultants.

When Mr. Sparlin questioned OSHA expert Mr. Oxenburgh, he referenced the ''Expert Witness Contract for Dr. Maurice Oxenburgh.'' (pp. 2637–39).

When Ms. Holmes of Jones, Day, Reavis and Pogue made a statement regarding her ability to cross-examine OSHA's panel of experts, she referred to OSHA's ''obviously having commissioned written testimony from all these individuals.'' (p. 1440).

In questioning Dr. Beale, one of OSHA's attorneys, Ann Rosenthal, clarified for the public record that Dr. Beale was hired as an economist, not as an enforcement expert. (p. 2524). Dr. Beale's own written testimony stated that his ''clients in this regulatory work have included OSHA, MSHA, EPA, SBA, the FAA, the Department of Energy, and the IRS.'' (Ex. 37–22).

All of this material is part of the public docket and is available on OSHA's webpage.

9. OSHA's Expert Witnesses Have No Financial Conflict of Interest in the Outcome of the Ergonomics Rulemaking.

Conflict of interest laws and regulations apply only to employees of the federal government. In some instances, agencies hire consultants as ''Special Government Employees'' who are subject to certain provisions of the conflict of interest laws. However, the consultants hired by OSHA for the ergonomics standard were contractors and did not have federal employee status while providing their services. As such, they do not come within the coverage of the conflict of interest laws or regulations.

ACCESS TO DOCUMENT

1. OSHA recognizes the importance of Members of Congress understanding the rulemaking process. That is why we work so hard to provide information to Members of Congress as expeditiously as possible. For example, in response to a request from the House Government Reform Committee dated May 10, 2000, OSHA promptly provided a list of contractors who worked on the current ergonomics rulemaking.

2. Once the House Committee expressed an interest in reviewing other documents, OSHA worked with the House to provide them with full and complete access to the documents on a timely basis. The House Committee agreed to treat these documents the same way OSHA does, and in a manner that protects the integrity of an ongoing rulemaking.

3. Senator Enzi made his first request for information only nine days ago (June 13, 2000). Immediaately following his request, OSHA Assistant Secretary Jeffress talked with Senator Enzi twice about his request for documents. Department of Labor staff and Senator Enzi's staff also talked to figure out how to most expeditiously respond to his request and at the same time protect the integrity of an open and ongoing rulemaking by treating the documents exactly the same way that the House had already agreed to treat them.

4. Senator Enzi claimed that OSHA failed to provide him with any information, but just three days after his original request, on June 16, 2000, OSHA responded to Senator Enzi's request and produced two boxes full of documents.

5. OSHA offered to meet with Senator Enzi and offered repeatedly to brief Senator Enzi about OSHA's use of expert witnesses in rulemakings.

6. On Tuesday, June 20, 2000, Senator Enzi's staff requested, for the first time, access to the materials provided to the House Committee. Under the terms of OSHA's agreement with the House Committee, Senator Enzi always had access to the documents he requested to see.

7. In order to accommodate the Senator's desire to review the documents in his office, OSHA offered to photocopy a complete set of the same documents provided to the House Committee immediately. Senator Enzi's staff refused this request because they were unwilling to agree to treat the materials they had requested in the exact same way that the House Committee had already agreed to treat the documents—in a way that protects an open, public rulemaking process as authorized by Congress.

Mr. WELLSTONE. Mr. President, one problem with this debate is some of my colleagues come to the floor and make these points. Frankly, there does need to be a response.

My good friend from Arkansas says that what will happen with this OSHA rule, dealing with repetitive stress injury, is it will do severe damage to workers comp laws in our States.

There are some 12 attorneys general who have said in no way—including one who testified in our subcommittee—will that happen, including the attorney general from Arkansas who has said this will not impact workers compensation laws.

Then my colleagues say, this is a rush, they are rushing to promulgate a rule. It was Elizabeth Dole who, as Secretary of Labor, first pointed out that we needed to have an ergonomics rule because of the injuries taking place. My colleagues believe that this is a rush, though we have 600,000 workers every year who are severely injured.

I say to Senators, it is surprising to me when there is so much pain, when so many workers are injured, when they can no longer work, when they cannot sleep at night, when it has damaged families, when so many of the workers are women, that my colleagues don't want OSHA to do its job. The mission of OSHA is to protect workers. I am proud of the fact that OSHA is trying to promulgate this rule. I view this amendment as being nothing but blatant, political interference against this agency doing exactly the job it ought to do.

The same Senators who say OSHA is rushing after 10 years to promulgate a rule to protect workers, to have a safer workplace, they also believe we are rushing tonight to provide prescription drug benefits for senior citizens. Where have Senators been? On another planet? In Minnesota, 65 percent of senior citizens have no prescription drug coverage. It is an important issue to their lives, their children, and their grandchildren.

Do I need to come to the floor and tell Members about people who are paying 50 or 60 percent of their monthly budget because of prescription drug costs? And then Members come on the floor and say: It is not time; we are rushing; we better not support this legislation.

I don't know when Members think the time will come. I think the time has come. I think Democrats think the time has come. I agree with my colleague, Senator DURBIN, this is a values debate. This is about where we stand. As a Senator from Minnesota, I stand with working people. I stand for a safer workplace. And I certainly stand for trying to help senior citizens meet prescription drug costs so they are able to get the prescription drugs that are so essential for their health. I need not say anything else.

I yield the floor.

Mr. ENZI. Mr. President, I yield 1 minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH.

Mr. SMITH of New Hampshire. I rise in support of the Enzi amendment.

Senator ENZI's amendment would delay the costliest mandate ever imposed on small businesses.

The Occupational Safety and Health Administration, OSHA, has published a rule that is the broadest and most expensive rule ever, let me say that again, ever proposed by OSHA. There needs to be more study of this rule before it is implemented.

Ergonomics is the science of fitting the job to the worker.

The OSHA proposed ergonomics rule would require employers to eliminate or materially reduce hazards in the workplace that lead to injuries such as carpal tunnel, tendinitis, and back injuries.

OSHA's cost estimate is $4.2 billion a year. Clinton administration's own Small Business Administration reports that the true cost would be $40–$60 billion a year—at least 10 times OSHA's estimate.

The Heritage Foundation estimates that the cost would be $5.7 billion to $10.8 billion per year without adding in the cost to state and local governments, and $6.6 billion to $12.5 billion per year if public-sector workers are

included. Private industry estimates the bill's cost would be even higher.

OSHA expects that the proposed rule will significantly increase the number of requests for state compliance assistance and consultation services. That means this regulation will cost even more money.

The ergonomics rule probably would expand state workers' compensation systems, increasing claims and fraud.

This is yet again, an unfunded mandate on the states. Yet the OSHA has a limited public comment period that does not take into consideration the huge cost to business and the probable stress to the unprecedented economic growth that the U.S. is currently experiencing.

I urge your support for Senator ENZI's amendment, so that OSHA can reassess their proposed regulation that would burden the business community with a costly regulation.

On the prescription drug plan, I oppose the Robb plan. In my hand is a report, the actuarial report from Norman and Robinson, which says it will cost seniors $40 per month, up to almost $500 a year, and cost hundreds of billions of dollars to the taxpayers. That is the Robb plan.

Senator ALLARD and I have a plan and we want to try to get the attention of the Finance Committee. This plan has no premium increases on seniors. It saves seniors $550 a year. It is budget neutral. It covers 50 percent of the cost of drugs, up to $5,000.

Those are the two alternatives. This was done by King Associates. Guy King was a former actuary at HCFA.

I think the distinction is clear. How did we help seniors by raising premiums, when we don't have to raise premiums with this plan?

I hope my colleagues pay close attention to what Mr. King has said. This plan is sound.

I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes, the Senator from Delaware 3 minutes, and the Senator from Wyoming has 8 minutes.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will sum up where we are on these two extremely important issues, one involving safety in the workplace.

The whole issue of ergonomics addresses the most important worker safety issue in the workplace. Now we have an amendment of the Senator from Wyoming, my dear friend, who wants to undermine what has been a 10-year review and a study about how we can provide protection for workers in the workplace who are affected by ergonomics.

As has been pointed out, this whole issue was raised by Secretary Dole in the Bush administration who called ergonomic injuries one of the Nation's most debilitating across-the-board worker safety and health issues. Since that time, there have been over 2,000 studies on ergonomics carried out.

In 1997, NIOSH, the principal agency of Government that studies these issues, reviewed 600 of the most important of these studies. They made recommendations. In 1998, the National Academy of Sciences reviewed the studies again and again, and they came to the same conclusion. The fact is, the science is clear. The question is whether we will have the will and the determination to take steps to protect our workers. We know what needs to be done. The subject has been studied. Now we have the chance to take a step to protect American workers.

These are the facts: 35 percent of the most harmful injuries in the workplace are ergonomic injuries. That is what is happening today. More than 600,000 workers are affected. When you look at who are disproportionately harmed by ergonomic hazards, in lost time, 67 percent who lost working time from repetitive motion injuries were women, and those who lost work time for carpal tunnel injuries were women again, 77 percent. This is a woman's issue; this is a worker's issue.

The science is overwhelming. The fact is, historically we have been prepared to take actions to make the workplace safe. We had the great development of our mining systems, and we passed mine safety legislation. Now we need to pass legislation to protect American workers in this area.

It has been studied, restudied, and studied again. Once again, we are being asked to discard the various studies and reviews and put the profits of the private sector ahead of the interests of the workers. That is wrong. That is the issue: Are we going to stand for workers or are we going to stand for the profits of the industries in this country?

On the second issue, Medicare, I was there, like most of the Members of the Senate, when the President of the United States, in his State of the Union Address, asked the Congress of the United States to pass a prescription drug program based upon Medicare that would deal with the incredible hardship of so many of our seniors.

I was also here in 1964 and 1965 when the Senate eventually passed the Medicare program. This issue was discussed during that period of time: Were we going to pass a prescription drug program. The judgment at that time was: Let's pass in Medicare what they are doing in the private sector. A great majority of the private sector, over 90 percent, did not include a prescription drug program, so we did not pass one in the Medicare program. At that time, less than 3 percent of every dollar expended was used for prescription drugs.

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

Mr. KENNEDY. I yield myself 2 more minutes.

Now it is 20 to 30 percent, as the Senator from Florida has pointed out. We now know this is absolutely an essential need for our seniors. How much more does it have to be studied?

With all due respect to the Finance Committee, they had a whole set of hearings last year. We did not have any legislation reported out from the Finance Committee. We have not had any legislation reported in the final weeks of this Congress. We have no commitment that the chairman of the Finance Committee or the Finance Committee members will say: We will have a prescription drug bill on the floor of the Senate for you in July—absolutely not.

We have a well-thought-out program that can make the difference for our senior citizens. When Medicare was passed, it was a fundamental commitment by the Federal Government to senior citizens: Work hard, play by the rules, and your health care needs will be attended to. That was the commitment in 1964 and 1965.

Every day we fail to pass a prescription drug benefit, we are violating that commitment. Every single day, we find our seniors are in pain and agony and suffering irreparable damage, in many cases because they cannot afford a prescription drug program. That is a fact. That promise is being broken every day because Medicare does not cover prescription drugs. This is wrong. This is fundamentally wrong. Every Member of the Senate knows it in their hearts. Every family in America knows it is wrong. Certainly, every senior citizen knows it is wrong.

We have a chance to do something right. We have a chance to put the health care of our senior citizens ahead of the profits of the private special interests.

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

Mr. KENNEDY. I yield myself 1 more minute.

That is what this vote is all about. For whom are we going to stand? This is the vote on prescription drugs. This is a program that is tied to the Medicare system. Our elderly people understand Medicare. They believe in Medicare. They know the need for prescription drugs. It is as simple and fundamental as that. It is comprehensive, it is all inclusive, it is affordable, and it will meet the needs of our senior citizens.

That is the vote we are going to have in the Senate, and we should meet our commitments to our senior citizens. We know what their needs are. We should meet them. We have that opportunity tonight. Let us not fail them.

I withhold the remainder of my time.

Mr. ENZI. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague from Wyoming, as well as the Senator from Arkansas, Mr. HUTCHINSON, because they have offered an amendment that is one of the most important amendments we are going to vote on this year. The Clinton administration is trying to push forward an ergonomics rule that will have a draconian, negative impact on every single business in America.

I want all my colleagues to know if this amendment is not adopted, if this ergonomics rule goes forward, there will be significant costs. Employers will be coming up to you asking: Why did you do this to me? I have some bureaucrat coming in and telling me how to run my business.

I have a quote given by the individual who wrote these regs. She said:

> I love it; I absolutely love it. I was born to regulate. I don't know why, but that's very true. So as long as I am regulating, I'm happy.

And she came up with the largest regulation in OSHA's history on business. The Small Business Administration estimated it will cost $60 billion a year, 15 times the cost that OSHA said. People in the private sector said it will cost over $100 billion a year. And the administration wants this to go forward right after the election, right before we have a change of administration.

Senator KENNEDY said this has been studied. Congress passed, in 1998, $890,000 for a study by the National Academy of Sciences. They are going to complete that study in January. We should let them do it. We should base this regulation on science, real science, not on a political agenda. They want to cram through an extensive regulation where bureaucrats are telling employees how to run their business, and to do that right before the election, before the next administration, will be a serious mistake.

We need to stop it, and the way to stop it is to adopt the Enzi amendment. I say to my colleagues, this is probably the most important free-enterprise, private-sector initiative you'll vote on this year: If this year you believe business should be making decisions, support the amendment.

I urge my colleagues to vote in favor of the Enzi amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself 3 minutes.

The other side today has spent most of the day avoiding the ergonomics debate. Part of the debate was on the floods in North Dakota. That is because they do not have an answer to what we have been saying all day. We, too, are concerned about worker safety. We have been doing things for worker safety. Companies in this country have been doing things for worker safety. In fact, I appreciate the ranking member of my subcommittee mentioning today a couple of companies in his State that have made tremendous strides in worker safety, including ergonomics.

I am so pleased to report that according to the Bureau of Labor Statistics, last year there was a 24-percent decrease in ergonomics accidents. Companies are doing something. They are doing what they can think of.

If the same $1.8 million that has been spent on getting testimony for this rule had been used and focused particularly on small business to make sure they had the information to make the ergonomics changes in their work site, we would have even more workplace safety.

But, no, we have been paying contractors to testify. Has the Department disclosed that? No. They think these people have been volunteering their time, just like everybody else. Not only that, they edited their text for them. They had mock sessions so these experts could do it correctly. Then they paid them to rip the opposition. That is not testimony. That is the expertise that we ought to have in the workers comp department.

This will have a drastic effect on Medicare and Medicaid. We place limits on what we pay on Medicare. We are not raising those caps through the rule. So we will force people to violate some of the Medicare and some of the nursing statutes that we already have.

Then the work restriction protection—my goodness, we want the United States to get into a workers comp program? Ask your States how much of a problem they are having administering workers comp, and see if you think that OSHA can do the job. See if you think they can.

Incidentally, it was mentioned that there was testimony in our committee in that there was no opposition from the States. I presented a letter. I ask unanimous consent the letter be printed in the RECORD. It is from the State of New York Department of Labor, saying they were opposed to it.

I also ask permission that a similar letter from the State of Pennsylvania, be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LABOR,
Albany, NY, March 1, 2000.

OSHA Docket Office,
Docket No. S–777, Department of Labor, Washington, DC.

To whom it may concern:

Enclosed please find comments from the New York State Department of Labor concerning the proposed Ergonomics Standard, 29 CFR Part 1910, published Tuesday, November 23, 1999, in Federal Register, Volume 64, Number 225, at page 65768.

Sincerely,

CONNIE J. VARCASIA.

Enclosure.

This constitutes comments by the New York State Department of Labor (NYSDOL) regarding the proposed Ergonomics Standard 29 CFR Part 1910.

1. We note for the record that OSHA, in the Federal Register notice dated November 23, 1999, (hereinafter referred to as notice), at page 66,054, IX, states, ''In addition, the agency has preliminarily concluded, based on a review of the rulemaking record to date, that few, if any, of the affected employers are state, local and tribal governments.'' Aside from the issue of how OSHA arrived at this conclusion, we agree with the statement. Therefore, we do not expect that the public sector programs of State Plan states' will be required to adopt the proposed standard.

2. If, however, OSHA intends to require adoption of this standard by State Plan public sector programs, we object. We object to the standard because OSHA excluded small public sector jurisdictions (small entities under the Small Business Regulatory Enforcement Fairness Act, hereinafter ''SBREFA'') from the SBREFA process and panel during the course of preparing this rulemaking.

3. OSHA's proposal may not be a ''standard'' as defined by the statute. It does not describe means, methods or practices reasonably necessary or appropriate to control occupational safety and health hazards. It is not a ''standard'' about workplace hazards; rather, it proposes to impose a particular management approach on employers.

4. OSHA has estimated the cost of initial compliance with this standard at $4.2 billion (OSHA's original estimate was $3.5 billion). Private sector businesses and trade associations have estimated this cost as high as $26 billion and the United States Small Business Administration (SBA) has estimated the same cost at more than $18 billion. A copy of the SBA report is annexed hereto and made a part hereof.

Given these disparity of costs, there is not consensus as to the costs of compliance with this proposed standard. It appears that a proper and accurate cost-benefit analysis has not been done, and that OSHA should, at a minimum, address the conclusion of the SBA regarding the cost of this proposal.

5. This rulemaking is completely devoid of any mention of the amount of funding that could be appropriated to State Plans for its enforcement. OSHA has not discussed the issue of funding this standard with State Plans in any other forum. Of particular concern are the following:

(a) Depending on which ergonomist one believes, ergonomics affects 30%, 40% or 50% of the jobs in America. As a regulatory agency, the NYSDOL can expect at least a 30% increase in the number of legitimate complaints (as well as countless unsubstantiated complaints) because of the new standard. Based on sheer numbers, caseload and volume, our public sector State Plan will require an increase in the amount of funding to respond to complaints.

(b) Ergonomics is a precise science where incorrect advice can do more damage than no advice at all. New York State does not currently have staff with ergonomics expertise, and we have serious concerns with its lack of availability. No mention is made in this rulemaking of how much money OSHA will provide for staff training in this field.

Note that a two-week training session on ergonomics is not sufficient to provide the professional level of service which the regulated community will demand. The number of professionally accredited ergonomists in the United States is wholly inadequate to meet the demand that will be engendered by adoption of this standard throughout the United States (see attached article).

(c) The proposed standard is unfair to public sector employers because some of the more frequently utilized abatement measures are not available to them. The public sector workplace is nearly 100% unionized in New York State. It is governed by civil service rules and collective bargaining agreements that describe in detail job tasks to be performed. Accordingly, redesigning a job for one person to include varied tasks not contained within the general job description for that position is not permitted. A public employer cannot change a job unilaterally; it must return to the collective bargaining table for job redesign. Many states have statutes such as our own Taylor Law, which expose an employer to improper practice (unfair labor practice) liability if it were to obey an order based upon the OSHA proposed standard. The employer would also be subject to grievance proceedings under the collective bargaining agreement with the union involved, as changing individual job requirements would constitute a breach of the contract.

(d) Another often recommended abatement measure is more frequent rest breaks. Rest breaks, and the timing and duration thereof, are also provided for in collective bargaining agreements and civil service rules. Any public employer altering such breaks unilaterally, without a return to the bargaining table, would again be subject to the sanctions of improper practice charges under the Taylor Law and union grievance for breach of the collective bargaining agreement. As such, these abatement measures are unavailable to public sector employers. The proposed OSHA standard is an infringement of rights granted under collective bargaining agreements and laws to public sector employers and employees.

(e) Should a public sector employer attempt to implement altered rest breaks or altered job tasks unilaterally in order to comply a violation of the OSHA standard, the state regulatory agency would be in the position of aiding and abetting the infringement of workers' rights guaranteed under the collective bargaining agreement and state statutes.

(f) Regarding the costs of implementing the standard for small public sector entities, the proposed standard would place a tremendous burden on the public sector employer. If one assumes that this will increase costs to public employers, the only way to pay for this will be to increase the taxes of the citizens in its jurisdiction. Public sector small entities include town, village and small city governments, as well as fire districts, volunteer fire departments, school districts, water districts, and many others that would not be able to sustain the cost of this proposed standard without increased taxation.

6. The proposed standard does not provide adequate notice to the affected employers or employees. A by-product of this uncertainty is likely to be increased litigation. Many terms are undefined or vague: ''management leadership,'' ''employee participation,'' ''relevant,'' ''become involved,'' ''effective means,'' ''reasonably likely,'' ''promptly,'' ''likely to cause,'' ''likely to contribute,'' ''similar jobs,'' ''minimize,'' ''try,'' ''feasible,'' ''medical management,'' ''periodically as needed,'' ''recovery period,'' ''closely associated,'' ''adequate,'' ''excessive vibration,'' ''recently,'' and ''prolonged'' are either poorly defined or not defined at all. While OSHA offers definitions of some of these terms, many are vague and will need to be defined—a task most likely to be accomplished by courts of competent jurisdiction over the next quarter century.

7. We agree with former Acting Assistant Secretary and OSHA Head, Greg Watchman, who said on November 30, 1999, that the proposed ergonomic standard is too broad, triggered too easily, and includes comprehensive requirements that may not be necessary to address one or two signs or symptoms of musculoskeletal disorders. We also agree with his statement that thousands or perhaps millions of employers would be required to implement programs regardless of whether workers are at risk.

8. We agree with the Small Business Administration that OSHA failed to fully examine other regulatory approaches, such as using the On Site Consultation Program to educate employers and the public as to precisely what ergonomics is and how studying ergonomics can help individual employers and their workforces.

9. We agree with the Women Constructors Forum's statement, ''Women-owned companies are the fastest growing sector of our economy. What we need is information, not regulation. . . . The nature of this standard could force businesses to completely overhaul their safety and health practices and devote more resources to paperwork and compliance.''

10. Attached and made a part of these comments are a number of articles and studies marked exhibits 1 through 7. The New York State Department of Labor requests that these be made a part of our comments and asks that OSHA respond to the concerns and questions addressed in them.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR AND INDUSTRY,
Harrisburg, PA, February 29, 2000.

Re Comments to the Proposed Ergonomic Standard.

OSHA Docket Office,
Docket No. S–777, Department of Labor, Washington, DC.

DEAR SIR/MADAM: Pursuant to the proposed rulemaking published in the Federal Register on November 23, 1999, Vol. 64, No. 225, the Commonwealth of Pennsylvania submits the attached comments in response to OSHA's ''Proposed Ergonomics Standard.''

The proposed standard conflicts with section 4(b)(4) of the OSHA Act, 29 U.S.C. §653(b)(4), in that it attempts to supersede and preempt state workers' compensation laws where the OSHA Act specifically prohibits such preemption. Specifically, the proposed standard intrudes upon the states' abilities to respond appropriately to issues of work-related illness and injury, including those relating to musculoskeletal disorders, heretofore addressed by each state's workers' compensation laws. OSHA proposes to replace these systems, which were custom tailored to the needs of the individual states, with a broad, uniform system which at best confuses and at worst conflicts with the various states' workers' compensation programs. Despite OSHA's recognition of its inability to regulate in areas of state workers' compensation law, it has, in the proposed rulemaking, failed to recognize that many issues addressed therein are, in fact, within the province of the states' workers' compensation systems, and are beyond the scope of OSHA's regulatory authority.

We believe that Pennsylvania, as well as the other states, will be negatively impacted by the standard which OSHA has proposed. The attached comments articulate in further detail the manner by which the proposed standard confuses issues regarding the provision of health care to injured workers, employers' abilities to adequately respond to workers' compensation claims, the provision of workers' compensation wage loss-benefits, the time for filing of workers' compensation claims, and issues of causation and preexisting conditions.

In light of the foregoing, we ask that you reconsider the proposed rulemaking, as it poses substantial difficulties for the citizens of the Commonwealth of Pennsylvania. Thank you for your consideration of this matter.

Sincerely,

JOHNNY J. BUTLER.

Mr. ENZI. I have lots of letters from different groups that have said: Don't do work restriction protection. That's workers comp, and you're violating our right to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ENZI. I yield myself 1 additional minute.

Work restriction protection is prohibited by the OSHA Act. Very clear wording in the OSHA Act says you cannot get into workers comp, but they are going to with this rule they are trying to push through by December. I do not know why December is so critical to them. Maybe I do. They are trying to get this thing pushed through at all costs, and without paying attention to what people are saying to them about things that are wrong about the rule that they are doing.

We need a little time to take a look at the rule, particularly in light of how well businesses are doing at fixing ergonomics.

Again, I encourage the Department to help people figure out ways they can improve the safety. All we would be doing if we passed this rule is we would be giving OSHA a bigger club to beat people up with, not an answer to the ergonomics problem.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the only time left is controlled by the Senator from Delaware, who has 3 minutes, and the Senator from Wyoming, who has 1 minute.

Mr. ROTH. I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I say to Senator BREAUX, while I was not physically present on the floor when you made your speech, I was listening. I am very privileged and pleased to join you tonight in suggesting that this is not a real vote on Medicare.

Most of the time—in the past—Senator ROBB is a very realistic and forthright Senator. But somehow or other we are getting close to an election, and somebody has suggested to him that

this is a way to get a real Medicare vote. The truth of the matter is, everybody listening should know this is not a real Medicare vote.

If anything, if we adopt this on an appropriations bill—that funds all of the priorities of the other side of the aisle—if they want to fund education, it is funded in this bill. If they want to fund community centers to treat the people that are poor, they are funded in this bill more than last year. But now they come along and ask us to attach an amendment, a huge bill that we have never had a hearing on, and we call it prescription drugs for America. We put it on with education, community centers, all the health programs for our seniors, and we say, just put it on there and tell the committee, that knows nothing about Medicare because they are not expected to, to bring back a comprehensive Medicare program on an appropriations bill. Then the suggestion to the American senior citizens is, we are doing something for you.

What we are doing is trying to force a vote before we have a bill. This is not a bill that has been considered. It is not going to be voted out by our bipartisan effort. A great bipartisan effort is taking place.

If I were a member of the Finance Committee—be it Dr. BILL FRIST or the Senator from Texas or the distinguished Senators on that side working on it—I would be ashamed today to say: I am going to vote to usurp and take away all your power and vote in a so-called prescription drug bill that a few of us have written up. And we are going to pass it on an appropriations bill where that committee does not know anything about prescription drugs.

They are sort of expected to robot out of here and robot back in with a great prescription drug bill.

I submit that we should not vote for it. We should not use our procedures and our processes in this perverted way.

I am going to ask five or six questions. They are not answered by this legislation, and they are not answered here.

Let me first ask: How does this amendment affect the solvency of Medicare? Nobody knows. What are the premiums for drug coverage? Nobody knows. I don't know that anybody knows the official cost estimate of this bill. But I know it is expensive. Don't you think we ought to know those answers before we try to convince Americans that we are passing a prescription drug bill which could not become law?

There are two more questions: Are there taxes in this proposal? If there are, the bill goes nowhere.

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

Mr. DOMENICI. I think we are going to do the right thing and deny this effort to make an issue out of something that is not ready to have an issue.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute.

Mr. ENZI. I yield the final minute to the Senator from Texas.

Mr. REID. How much time do you yield?

Mr. ENZI. One minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAHAM. Point of personal privilege.

Mr. GRAMM. I do not want my 1 minute to start until I start talking. If the Senator wants to talk, let him do it.

Mr. GRAHAM. I do not want to talk; I want to answer.

The Senator asked a series of questions, and I am prepared to answer them.

The PRESIDING OFFICER. The Senator from Texas has the floor. The Senator from Florida is not in order. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, we have been meeting on a bipartisan basis to try to put together a bill in the waning hours of this Congress that will provide for prescription drug insurance for senior Americans. We have been working in good faith.

This is a bad faith amendment. This is a politics-first amendment. Nobody knows what it costs. Nobody knows how it will work. Nobody knows what it does to the solvency of Medicare. This is politics at its worst.

I think this body ought to be offended by it. I am offended by it. I do not believe that voters are going to be impressed by circumventing the process. This does not speed it up. This makes it harder for people such as Senator ROTH and Senator BREAUX to bring us together to pass a bill. This needs to be rejected by an overwhelming vote.

I urge those who really want a prescription drug benefit—label this for what it is by voting no, and let's get on with trying to do this on a bipartisan basis.

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

Mr. ENZI. Mr. President, I ask unanimous consent to add Senators THURMOND and HELMS as cosponsors of my amendment.

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

VOTE ON AMENDMENT NO. 3593

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3593. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—57

Abraham	Fitzgerald	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Chafee, L.	Hollings	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—41

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—2

Boxer	Inouye

The amendment (No. 3593) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD answers to the questions that were asked during the debate by the Senator from New Mexico.

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

SENATOR BOB GRAHAM'S ANSWERS TO SENATOR DOMENICI'S QUESTIONS CONCERNING THE ROBB AMENDMENT, JUNE 22, 2000

1. What is the score of this proposal?

Over 10 years the cost of this comprehensive package is approximately $242 billion.

2. What impact will this benefit have on the solvency of the Medicare program?

This program will not have a direct impact on the solvency of the Medicare program. In fact, the inclusion of a prescription drug benefit may lead to a decrease in hospital stays and other costly outpatient care, which may result in savings to the trust fund.

3. What will beneficiary premiums be?

In 2003, when the benefit begins, the beneficiary premiums will be approximately $38.50 per month.

4. How will this program impact the taxpayer?

This program will have no direct implications on the American taxpayer.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to file for the RECORD CBO estimates as promptly as I can get them.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in a moment I believe we will be prepared to begin the vote on the second amendment in this series. I have discussed the schedule with Senator DASCHLE and the manager of the legislation. This will be the last vote of the night. We will be in session tomorrow.

We urge Senators who have amendments to offer them tonight—I understand one is already prepared for tonight—and to be prepared to be here and have amendments in the morning so that we can make progress. We will plan on stacking those votes next week at a time to be determined, and we will let the Members know sometime tomorrow when that will be. But this will be the last vote for tonight and for the week.

I yield the floor.

AMENDMENT NO. 3598, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 3598, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Bryan	Hollings	Reed
Byrd	Johnson	Reid
Chafee, L.	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—53

Abraham	Burns	Enzi
Allard	Cochran	Frist
Ashcroft	Collins	Gorton
Bennett	Coverdell	Gramm
Bond	Craig	Grams
Breaux	Crapo	Grassley
Brownback	DeWine	Gregg
Bunning	Domenici	Hagel
Hatch	McCain	Smith (OR)
Helms	McConnell	Snowe
Hutchinson	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Roberts	Thomas
Jeffords	Roth	Thompson
Kyl	Santorum	Thurmond
Lott	Sessions	Voinovich
Lugar	Shelby	Warner
Mack	Smith (NH)	

NOT VOTING—3

Boxer	Campbell	Inouye

The amendment (No. 3598), as modified, was rejected.

Mr. ROBB. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Arizona.

AMENDMENT NO. 3610

(Purpose: To enhance the protection of children using the Internet)

Mr. MCCAIN. Mr. President, I have an amendment at 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 Arizona [Mr. MCCAIN] proposes an amendment numbered 3610.

Mr. MCCAIN. Mr. 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.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing Internet from a school or library receiving Federal universal service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors and to block general access to obscene material and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connection. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates have the number of U.S. Internet users as high as 62 million.

There are approximately 86,000 public schools in the United States. The first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999, to June 30, 2000, with 78,722 public schools listed on funded applications. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous promise and the exponential danger that wiring America's children to the Internet poses. Certainly the Internet represents previously unimaginable education and information opportunities for our Nation's schoolchildren. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly or may turn up as the product of a general Internet search.

Seemingly innocuous key word searches such as Barbie doll, playground, boy, and girl can turn up some of the most offensive and shocking pornography imaginable.

According to the National Journal, there are at least 30,000 pornographic web sites. This number does not include Usenet news groups and pornographic spam.

As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography and to lure and seduce our children. In many cases, such activity is the product of individuals taking advantage of the anonymity provided by the Internet to stalk children through chatrooms and by e-mail. However, an increasingly disturbing trend is that of highly organized and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography and to sexually exploit and abuse children.

As we wire America's children to the Internet, we are inviting these lowlifes to prey upon our children in every classroom and library in America. If this isn't enough, the Internet has now become a tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. According to the New York Times: ''They, hate groups, peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues.''

Media propaganda has always been used as a means for spreading the toxic

message of hate. Magazines, pamphlets, movies, music and other media have been their traditional tools for those seeking to feed the darker side of our human nature. The Seattle Post-Intelligencer reported in an article entitled ''Nazism on the Internet'': ''Many sites operated by neo-nazis, skinheads, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults.''

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using ''marijuana,'' enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. Literature such as the ''Terrorist's Handbook'' is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices.

When a school or library accepts Federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: ''The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood.''

As I look upon the landscape of America today, of our children, growing up in a culture of violence, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

Mr. President, I ask unanimous consent to print in the RECORD a letter from a group of people, including the American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, many others in support of this legislation.

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

WASHINGTON, DC, *June 22, 2000*.

Hon. JOHN MCCAIN,
Russell Senate Office Bldg., Washington, DC.

DEAR SEN. MCCAIN: We are writing to indicate our very strong support for the Children's Internet Protection Act, S. 97, which we believe offers a very effective solution to the growing problem of pornography accessible on the Internet by computers in schools and public libraries. Caring parents who wish to shield their children from sexually exploitive material should be able to trust that schools and public libraries are on their side in this battle. Yet, because of the influence of the American Library Association and their allies, which oppose filtering of any material, even illegal pornography, to children, such parents find they are fighting a losing battle. The Children's Internet Protection Act will go a long way in that battle by requiring that obscenity (hard-core pornography), child pornography, and other material inappropriate for minors be blocked when children access the Internet on school and library computers.

The Children's Internet Protection Act would help solve an additional problem occurring primarily in public libraries, the use of computers by pedophiles who access child pornography, and then seek to molest children. We are pleased that your bill, unlike some other Internet filtering bills introduced in Congress, requires that child pornography be blocked for all users, adults and children.

American needs the Children's Internet Protection Act. Thank you for your leadership on this important matter.

American Family Association, Family Research Council, Republican Jewish Coalition, Traditional Values Coalition, Morality in Media, National Law Cntr. for Children & Families, Family Friendly Libraries, Family Association of Minnesota, Family Policy Network, VA, Christian Action League, NC, Citizens for Community Values, OH, American Family Assoc., IN, American Family Assoc., MS, American Family Assoc., NY, American Family Assoc., PA, American Family Assoc., TX, American Family Assoc., AR, American Family Assoc., AL, American Family Assoc., KY, American Family Assoc., GA, American Family Assoc., MO, American Family Assoc., CO, American Family Assoc., OR, American Family Assoc., IA, American Family Assoc., MI, American Family Assoc., OH, American Family Assoc., NJ.

Mr. MCCAIN. Mr. President, this is from Houston Reuters, Thursday, June 15:

A Georgia man has been arrested in Texas and charged with trying to buy two elementary school boys for sex after FBI agents monitoring the Internet identified him as a pedophile, the agency said on Thursday.

Jonathan Christopher Wood was arrested on June 3 after traveling to Houston from Perry, Georgia, with the intention of buying the boys and taking them back to Georgia for illegal sex, the FBI said in a statement.

Wood, 53, was arrested after arriving in an agreed-upon meeting place with $12,000 in cash for the purchase, the FBI said.

Brian Loader, assistant special agent in charge of the FBI's Houston field office, told Reuters the arrest came as a result of FBI monitoring of Internet chatrooms.

''He was identified by our Crimes against Children task force as a person who was actively seeking to purchase children for sexual exploitation. He was using the Internet,'' Loader said.

Loader declined to say whether an FBI agent had posed as a seller but he said that no other arrests had been made.

A Federal criminal complaint filed against Wood alleges that he traveled across States lines with intent to engage in prohibited sexual relations with a minor. Woods had recently moved to Georgia from Alabama, where he had owned a company that provided Internet access.

Also on Thursday, Texas Attorney General John Cornyn announced the arrest of five men charged with aggravated sexual assault for allegedly having sex with a 12-year-old girl they contacted through an Internet chatroom.

Mr. President, I will have a longer statement when we pursue this amendment later on. I hope we can have an up-or-down vote. Anyone who uses the Internet knows of this problem.

I am not advocating censorship. The fact is that when Federal dollars are used to wire schools and libraries in America, then it seems to me the schools and libraries have an obligation to provide Internet filters and use them according to community standards—only according to community standards, in the same fashion that a school or library filters printed material that comes into a school or library. Occasionally, a wrong book may be taken off the shelf in a library. But I know of no school board or library board that does not filter printed material.

How in the world can we sit still and have all of this stuff coming into our schools and libraries without the kind of filtering that is done with printed materials? A few years ago, a 13-year-old boy in the Phoenix library was viewing pornography on the Internet, and he walked out and sexually molested another young boy. This is rampant throughout this country.

Some argue that I can't stop everything over the Internet, nor do I wish to try that or to enter anybody's home; that is their private business. But schools and libraries in this country should exercise their responsibilities to screen this kind of material according to community standards.

Why in the world the American Library Association opposes this legislation is one of the great curiosities of my political career. I hope we can overcome that opposition. The overwhelming number of parents in America want their children protected in schools and libraries as they view the Internet.

Mr. President, I look forward to an overwhelming vote in favor of this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

MORNING BUSINESS

Mr. SESSIONS. 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 15 minutes each.

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

PROTECTING CHILDREN ON THE INTERNET

Mr. SESSIONS. Mr. President, I appreciate Senator MCCAIN for raising this important issue. I agree with him that is difficult to conceive that anyone would think that material that comes through the Internet which would not be allowed in the library in a book should be allowed to be in there electronically. It is frustrating to see the National Library Association, who I have observed over the years have a very radical view of absolutely no one telling a librarian what can be brought into a library. I don't think that is legitimate. Their salaries are paid by the taxpayers, and they receive money from the Federal Government. They don't have an absolute, unprotected right to select whatever they want in the library. It is not a healthy matter.

ELLSWORTH WOULD BE THE BEST HOME FOR THE NEW GLOBAL HAWK AIRCRAFT

Mr. DASCHLE. Mr. President, the Air Force is currently evaluating five military bases to see which would be the best home for its new unmanned surveillance craft, known as Global Hawk. Accordingly, the Air Force is using the final 2 weeks of June to send a team out to each of the five candidates to solicit public opinion on potential environmental impacts. The next such meeting occurs Friday in Rapid City, SD and focuses on Ellsworth Air Force Base.

For the past year or so, I have been making the case for Ellsworth to senior officials in the Department of Defense and the Air Force. Perhaps not surprisingly, I firmly believe Ellsworth represents the best choice for the Air Force to host this important new mission. As we approach the date of the Air Force's meeting in South Dakota, I thought I would say a few words here in the Senate about why I feel as strongly as I do. Although I am confident none of my colleagues will be surprised by this position, they may find some of what I have to say about Ellsworth surprising.

Friday's meeting moves the Air Force one step closer to a deployment decision on the Global Hawk system. I and the scores of other supporters of Ellsworth welcome a careful, objective review. We are confident that at the end of such a process the Air Force will conclude that Ellsworth is the most appropriate home for the Air Force's next generation of surveillance aircraft.

We hold this view for three very important reasons. First, geography. Ellsworth offers uncrowded airspace and largely open spaces. Such a setting is ideal for conducting the kinds of training missions necessary to ensure the Air Force maximizes the technological possibilities offered by Global Hawk.

The second reason Ellsworth has an edge over its competitors is base infrastructure. Many people who have never visited Ellsworth or who have not visited recently will be surprised to see the modern facilities at this base. Many people perceive Ellsworth as a sleepy, rundown former Strategic Air Command Base. Nothing could be further from the truth. As a result of years of effort, it now has the facilities to match the fine personnel it has always had.

The final advantage Ellsworth enjoys is community support that is as deep as it is widespread. From elected officials, to business owners, to hard-working South Dakotan families living in the surrounding area, all stand completely behind what Ellsworth does for South Dakota and our national security. The Air Force will be hard pressed to find a community more supportive of its mission.

For all of these reasons, I stand behind Ellsworth and welcome the Air Force to my state so they can see first hand what I have been talking about in meetings with defense officials and here today on the Senate floor.

FLOOD DISASTER

Mr. CONRAD. Mr. President, I rise today to alert my colleagues that another series of national disasters have hit my home State of North Dakota. This newspaper headline from the largest paper in our State says it best with the headline on the front page, ''Swamped.'' The newspaper goes on to say NDSU, the State university, suffered millions in damage. In fact, I talked to the president of the university hours ago. He believes the damage is in excess of $20 million just at North Dakota State University. This newspaper indicated that the flood filled the Fargo dome where NDSU plays the football games. The dome was filled with over 8 feet of water.

This monsoon that hit Fargo, ND, on the night of June 19, absolutely flooded the entire town. It was an incredible series of circumstances. This is a picture that shows cars under water. We saw this all over the city of Fargo. Basements are flooded. Every kind of structure is flooded with 2 to 3 feet of water in the streets of the city of Fargo, the biggest city in my State.

We also saw massive flooding on the outskirts of town. This is the interstate. This is I–94 that connects Fargo to the rest of North Dakota. It is a major east-west highway in North Dakota. It was under water. Every part of town saw massive flooding. Homes and trailers are under water all across the city of Fargo.

North Dakota State University is one of the two major universities in our State. They suffered millions in damage, with very little flood insurance. The president of the university told me their insurance carrier tells them for this kind of event they only had $10,000 of insurance coverage—with losses of over $20 million. Even the president's house was wet. The newspaper says the president of the university was among many people dealing with the soggy conditions after fighting battles throughout the night, with 2 inches of sewage that entered the basement of the president's house through the failure of the sewer system.

This disaster was not confined to the city of Fargo, unfortunately. It spread throughout the area. Probably one of the great ironies is that until June 11 we were in a drought in much of eastern North Dakota. On June 12, 13, and 14, we had heavy rains in the northeastern part of the State.

I was there last week with FEMA officials assessing the damage. In that part of the State, they received 20 inches of rain in 2 days—absolutely Biblical. I have never seen anything like it—20 inches of rain in 2 days. The entire annual precipitation we receive in the State of North Dakota came in 2 days.

Over 150,000 acres of prime farmland flooded in that series of incidents. Of course, that was followed a week later, last Monday night, by this devastation hitting Fargo, ND, the largest city in the State. The mayor of Fargo said it perhaps best: ''It's the worst rain flood we've ever had.''

This is an event unparalleled in North Dakota history. There is something very odd going on with the weather pattern. I can only say in my State we have had eight Presidential disaster declarations in the last 7 years. We fully anticipate we will have number nine as a result of this series of incidents in northeastern North Dakota and then in southeastern North Dakota. Hundreds of thousands of acres of farmland were flooded. The major city of my State was very badly hurt by this massive flooding.

I have come before with requests for disaster assistance. I was very hopeful we weren't going to have a disaster this year. Until these devastating events, the worst thing happening was that we appeared to have a drought in part of the State. It is truly stunning to get 20 inches of rain in 2 days.

The damage is incalculable. In North Dakota State University, there wasn't a building on the campus that was not flooded. The president informed me today that the basement of the library was badly flooded where some of the archives were kept. They were in the basement because that is the safest place in a tornado. Fargo is a town that has previously been hit by tornadoes—not frequently, but on occasion.

So the most valuable materials were stored in the basement. Then we get hit by these massive monsoon rains that flooded every building on that campus, including devastating and destroying some of the archives of the State.

This is, again, a disaster of stunning proportion. Tomorrow, top officials of FEMA and I will be going to North Dakota, accompanied by top officials of the USDA, to further assess the damage. I talked to the Governor today. He tells me he is readying a request for disaster assistance. Without question, we will be coming to this body once again to ask for assistance for a remarkable set of what can only be described as almost unimaginable occurrences. It does make me wonder if there is something going on with global climate change that we don't fully understand, to have these extraordinary sets of circumstances 8 years in a row. That is the fact. That is the circumstance that we face.

I wanted to draw my colleagues' attention to it. We in North Dakota have expressed our thanks to our colleagues on repeated occasions for the assistance provided North Dakota in the face of these remarkable natural disasters. I regret very much standing here today again drawing my colleagues' attention to what has occurred in my home State. I think it is important for colleagues to know this has occurred, and that, once again, we will be asking for assistance.

I yield the floor.

HEADSTONES AND GRAVE MARKERS AMENDMENT TO DEFENSE BILL

Mr. DODD. Mr. President, I rise today to express my appreciation to the bill managers, Chairman WARNER and Senator LEVIN, for accepting my amendment (No. 3549) regarding headstones and grave markers for veterans.

This amendment entitles each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation.

This amendment is identical to a bill I introduced last year, S. 1215, which has the support of veterans groups such as The American Legion, The Retired Enlisted Association and the Veterans of Foreign Wars. It is cosponsored by Senators BYRD, KENNEDY, SANTORUM, CONRAD, LEAHY, KOHL, FEINGOLD and LIEBERMAN.

There is no more appropriate time for this amendment. Last month, we commemorated Memorial Day. In just a few days our nation will observe Independence Day. Each of these holidays reminds us of the sacrifices made by our veterans. Today our nation is losing one thousand World War II veterans each day. And although they do not boast or brag much, we are all well aware of their monumental contribution to America's remarkable history of freedom, prosperity and political stability.

This amendment would enable their country and their families to recognize that contribution.

As anyone who has made burial arrangements for a deceased veteran knows, the Department of Veterans Affairs must provide a headstone or grave market in recognition of that veteran's service.

What some may not know, and what this amendment would change, is that once a family places a private headstone on their veteran's grave, they forfeit their veteran's entitlement to the official VA headstone or marker.

This law has its origins in the period following the Civil War when our nation wanted to ensure that no veteran's grave went unmarked. Today, however, when virtually no one is buried in an unmarked grave, the VA headstone or grave marker serves to officially recognize a person's service in the U.S. armed forces.

The present policy generates more complaints to the VA than any other burial-related issue. About twenty thousand veterans' families contact the VA each year to register their belief that their family member is due some official recognition for his or her military service regardless of whether a private headstone has been placed on the grave.

A constituent of mine, Mr. Thomas Guzzo, first brought this matter to my attention. His father, Agostino, a U.S. army veteran, passed away in 1998.

Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but his final resting place does not bear any official military reference to his service in the U.S. Army. Agostino Guzzo's family wants an official VA marker, but, because of the policy I have described, they cannot receive one.

Faced with this predicament, Thomas Guzzo contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself.

I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law to which I have just referred.

This amendment is a modest means of solving an ongoing problem that continues to be a source of irritation to the families of our veterans. The Congressional Budget Office has estimated that it would cost three million dollars during the first year it is in effect, and about two million dollars per year thereafter. That is a small price to pay to recognize our deceased veterans and put their families at ease.

Prior to November 1, 1990, when a veteran passed away, the VA was required to provide a headstone or grave marker unless a family bought a private headstone. For those families, the VA provided a check for the amount, about $77, it would have spent on a headstone. This amendment will not reenact that policy, which was discontinued due to cost considerations. It simply says that an official VA marker or headstone will be provided for those families that ask for one, and may be placed at a site that they deem to be appropriate. In most cases, families that have placed a private headstone will request a marker—a $20 brass plate—that would be mounted to the headstone. Surely we can do that much for our veterans in this time of budget surpluses.

This amendment allows the Department of Veterans Affairs to better serve veterans and their families, and I encourage my colleagues to listen to the thousands of veterans' families who simply hope to recognize a family member's military service.

The Greatest Generation gave so much to this country in life, this is the least we can do for them when that life comes to an end.

They did their duty and answered the call to serve. It is up to us to give them the modest recognition that they deserve.

Again, I want to thank the managers for their support and the Senate for adopting the amendment. I am hopeful that this provision will be maintained in the conference report.

COPING WITH A CHANGING KOREAN PENINSULA: AVOIDING RIGIDITY AND IRRATIONAL EXUBERANCE

Mr. BIDEN. Mr. President, I rise to begin a discussion of the tremendous strategic consequences which may flow from events now underway on the Korean Peninsula.

As we debate spending on non-proliferation programs—including support for the Korean Energy Development Organization created by the 1994 Agreed Framework, which was significantly reduced in the Foreign Operations Appropriations Bill just passed by the Senate—it is important to keep the big picture in mind. We need to remain flexible in the face of a changing world, avoiding the twin pitfalls of rigidity and what Fed Chairman Alan Greenspan refers to as ''irrational exuberance.''

Our decisions today will help shape the strategic environment that our children and grandchildren will live with tomorrow.

I don't pretend to have all the answers, but I think I have a good handle on some of the key questions, and I hope my colleagues will bear them in mind as we move forward.

A decade after the end of the cold war, the American people are entitled to feel puzzled and dismayed by the continued hostile division of the Korean peninsula along the 38th Parallel. More than a million soldiers, including 37,000 Americans, thousands of artillery tubes, and hundreds of tanks, are clustered along a heavily-fortified border 155 miles long. If ever a place were ill-named, it would be the so-called ''Demilitarized Zone'' on the Korean Peninsula.

Today, the two Koreas could not be more different.

North of the DMZ, people live in unimaginable poverty and hardship. As many as 2 million North Korean have perished as a result of famine and disease over the past 4 years.

The 22 million who have survived live under one of the most repressive and brutal regimes on the planet.

Their leader, Kim Jong-il, was, until recently, a recluse. We didn't know much about him, although there were plenty of rumors. He was said to be mad, irrational, a playboy obsessed by Hollywood movies. He was the ''perfect rogue'' in charge of the world's most dangerous ''rougue'' nation.

South of the DMZ, 47 million Koreans live in a flourishing democracy, one of the most productive societies on the planet. They enjoy one of the highest living standards in Asia, or indeed, in the world. Their country is completing a remarkable transformation from authoritarian rule to full-throated democracy.

They are a steadfast U.S. ally, and have shed blood and put their lives on the line alongside U.S. forces from Vietnam to the Middle East.

South Korea's leader, President Kim Dae-jung, is a visionary and a man of peace. Long imprisoned for his support for democracy and rapprochement with North Korea, Kim had the courage to extend a hand of peace and friendship across that DMZ, and the peninsula may never be the same.

Mr. President, the Korean Peninsula is hallowed ground.

This is where Americans of the 2nd Infantry division struggled their way up Heartbreak Ridge in order to help secure a defensive line which has remained static for the past 50 yrs. It is a battlefield on which 900,000 Chinese, 520,000 North Korean, 250,000 south Korean, and more than 33,000 American combatants lost their lives. It is ground on which as many as 3 million civilians—ten percent of the total population—perished during three years of desperate fighting.

The Korean Peninsula is also perilous ground.

The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone. It has not yet ended all of its support for terrorist organizations. And, perhaps of greatest concern to the U.S., North Korea has not stopped its development or export of long-range ballistic missile technology. The North's missile development poses a threat not only to our allies South Korea and Japan, but to others in regions destabilized by North Korean arms merchants.

In short, the North Korean threat remains today the most obvious strategic rationale for America's forward-deployed military forces in the Pacific Theater. Roughly 100,000 men and women of the armed forces safeguard U.S. interests in East Asia.

The North Korean threat is also the most obvious strategic rationale for those who advocate the development and deployment of a limited National Missile Defense. As the expression went back in the early 1980's, ''One A-bomb can ruin your whole day.''

Mr. President, it is too soon to pop the champagne corks. Euphoria is not an emotion that lends itself to sound foreign policy-making. As President Kim Dae-jung himself has said, we must approach North Korea with a ''warm heart and a cool head.''

Having said all of that, it would be the greatest folly for us not to consider the potential significance of what is happening on the Korean peninsula, not just for Northeast Asia, but for the future of United States strategic doctrine and our role in the Pacific.

Mr. President, the world does not stand still. The ''plate-tectonics'' of Northeast Asia are fluid. The realignments underway could have a profound impact on our force posture and role we will play, with out friends and allies, in helping to secure a peaceful and stable East Asian environment for our children and grandchildren.

With the emergency of Kim Jong-il from what he jokingly admitted was a ''hermit's'' existence in North Korea, we are beginning to see the rewards of patient diplomacy backed by strong deterrence. If implemented, the agreement reached in Pyongyang—especially provisions for family reunion visits, economic cooperation and eventual peaceful unification—promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation on the peninsula.

In five year's time, we might be evaluating a new North Korean missile threat. Alternatively, we might be marveling at the creation of a genuine demilitarized zone linking, rather than separating, North and South.

North Korea appears to have made a strategic decision that reforming its moribund economy and normalizing relations with its neighbors are the keys to the survival of the regime.

This decision was not made at the summit. It has its origins in the collapse of the Soviet Union, the fall of the Berlin Wall, and the success of China's economic reforms. Absent Soviet subsidies and military, North Korea has become a desperately poor country, unable even to feed itself. It has begun to seek accommodation, even on tough issues involving national security.

Just yesterday, in response to President Clinton's decision to lift some economic sanctions on the North, the North Koreans agreed to extend the missile launch moratorium it has observed over the past year.

The North also agreed to engage in a new round of talks next week with the Administration. These talks will take time, but they could ultimately lead to a decision by North Korea to forego future missile exports and curtail its development of long range missiles.

What would be the consequences of a world in which North Korea no longer posed a significant threat to its neighbors? Where would our interests lie?

It's hard to answer the first question without first engaging in thorough deliberations not only with our allies South Korea and Japan, but also with others with a stake in preserving peace and stability in northeast Asia, most notably China and Russia. I believe those deliberations should begin now. We should not wait for events to dictate an answer to us, as occurred in the Philippines when we suddenly found ourselves without bases on which we had staked much of our future in Southeast Asia.

It's a little bit easier to answer the second question. I believe our enduring interests are clear.

First and foremost, will be our desire to preserve peace and stability. There are regional tensions beyond the division of the peninsula.

Japan and South Korea have unresolved territorial disputes and a historical legacy of war and mistrust. The Perry Initiative has helped forge a remarkable trilateral spirit of cooperation, and we should seek to ensure that spirit lives on even after the threat of a second Korean War is laid to rest.

Japan and Russia have much the same difficulties as do Japan and South Korea, and we should do our part to help them to resolve their differences peacefully.

Second, we must pursue non-proliferation. The danger of nuclear proliferation will not evaporate just because North and South Korea are reconciled. U.S. strategic doctrine—especially our decision on whether to proceed with the development and deployment of a National Missile Defense—will have a huge impact on whether Japan goes nuclear, which would immediately trigger a Korean response, and whether China builds more ICBMs or decides to MIRV a future generation of missiles.

The North Korean threat is literally and figuratively a ''moving target.'' We should make sure that our aim is true, and that we do not inadvertently cause more problems than we solve in our haste to address it.

Third, we will want to foster respect for international norms in the areas of human rights and the environment. This will be particularly important in our relationship with China.

Fourth, we will continue to seek economic openness, including securing sea lanes of communication. A decision looms before the Senate on whether to extend permanent normal Trade Relations to China.

I support PNTR for China, in part because I believe it is an essential ingredient of an overall strategy which secures a place for us in more prosperous and economically integrated East Asia.

For all of these objectives, maintenance of robust U.S. military capabilities, forward deployed in the region, will be essential, although the composition of those forces is likely to change as their roles and missions evolve. Our forward-deployed forces and the maintenance of strong strategic airlift capabilities at home enable us to respond swiftly and effectively to regional contingencies, humanitarian disasters, and political instability which might impact our vital interests.

Mr. President, as I said at the outset, I think we may be witnessing something extraordinary underway in Northeast Asia. We don't know exactly how it is all going to play out. But we had best begin now to discuss the potential implications. The decisions we make today will shape the strategic environment and the tools we have to advance our interests in East Asia tomorrow.

Mr. President, I yield the floor.

GUN VIOLENCE

Mr. WYDEN. Mr President, I rise today to speak about the tragedy that is gun violence.

On May 21, 1998, 15 year-old Kip Kinkel walked into Thurston High School in Springfield, OR and opened fire with a semiautomatic rifle in a crowded cafeteria, killing two classmates and wounding two others. Kinkel had been arrested the day before the shooting for bringing a gun to school. However, police decided that he was not a threat and released him to his parents. The next morning, Kip Kinkel shot his parents to death at home before he went to school and opened fire on his classmates.

The entire state of Oregon went into shock. The Mayor of Springfield called upon lawmakers to institute a mandatory detention period for students caught bringing guns to school. In response, Senator GORDON SMITH and I introduced S. 2169, a bill that would provide a 25 percent increase in juvenile justice prevention funds to those states that implemented a 72-hour detention period for any student who brought a gun to school.

The idea behind the bill is straightforward. If a student brings a gun to school, he or she must be removed from the school and moved to a secure place where the student can be evaluated and the community protected.

A month later, on July 23, 1999 Senator SMITH and I offered a modified version of S. 2169 as an amendment to the Senate Commerce-Justice-State Appropriations bill. The ''24 Hour Rapid Response for Kids who Bring a Gun to School,'' amendment passed unanimously. Unfortunately, conservative House members, with close ties to the National Rifle Association, objected to any so called ''gun measures'' on the bill, and the amendment was removed.

On May 19, 1999, Senators SMITH, HATCH, and I teamed up to offer a revised version of the 24-hour Rapid Response amendment to S. 254, the Juvenile Justice bill. The amendment was accepted by the bill managers. Sadly, the bill has languished in the Conference Committee since that time.

Consequently, I have offered the 24-hour Rapid Response amendment on S. 1134, the Education Savings Act and S. 2, the Educational Opportunities Act, and will continue to offer it until such time that schools are safe for all our children. This is not about guns. It's about safety.

Since this amendment has not been enacted and because the legislation that would give law enforcement the tools to stop gun violence have been stalled, I come to the floor today to continue reading the names of those who fallen to gun violence.

Following are the names of some of the people who were killed by gunfire one year ago today, June 22, 1999:

Sean Atkins, 33, Baltimore, MD; Cedric Biglow, 22, Oklahoma City, OK; Michael A. Clifton, 35, Chicago, IL; Dredunn Cooper, 20, Houston, TX; Max Johnson, 28, Dallas, TX; Willie Ray Lewis, 23, New Orleans, LA; Rico Mosley, 19, Atlanta, GA; Richard Neely, 75, Chicago, IL; James Edward Shea, 75, Cape Coral, FL; Steve Taylor, 25, Philadelphia, PA; Joel A. Thompson, 20, Chicago, IL; Michael Williams, Atlanta, GA; Marduke Jones, Detroit, MI

NATIONAL EARLY LITERACY SCREENING INITIATIVE

Mr. COCHRAN. Mr. President, recently, the National Reading Panel submitted its report to Congress. That report shows the best current research on how children learn to read. One of the significant studies included in the research is the product of the National Institute for Child Health and Human Development. The research actually began as a result of the 1985 Health Research Extension Act which charged NICHD with the research task of finding out why children have trouble learning to read.

The U.S. Department of Education reports a 42% increase in the number of students with specific learning disabilities receiving special education services over the past decade, with 2.7 million students ages 6–21 currently being served under the Individuals with Disabilities Education Act. As many as 90 percent of these students have significant, if not primary, special education needs in the area of reading.

In the NICHD study, one of the most important discoveries was that 90–95% of those children with reading difficulties could be on track with their peers by third grade if they are identified at an early age and given the appropriate training. And that, Mr. President, is the greatest step we can make toward successful learning for these children.

Currently, there is no readily available, scientifically based, easy-to-use screening tool to test children for reading readiness skills. And, there is no coordinated effort for parents and other early care providers to identify children who show signs of early literacy difficulties and to provide them research-based information and support.

The National Center for Learning Disabilities has recently completed a plan to provide parents, early childhood professionals, and other care providers with an easy to use early literacy screening tool, access to information about the critical importance of early oral language and literacy experiences, and resources that will inform and enhance early instruction and learning. The Report to the House-passed version of the Labor, Health and Human Services, Education and Related Agencies Appropriations bill includes a recommendation that NICHD fund this initiative.

I hope that as we work through the differences in this bill, adequate funds will be provided to NICHD to fund the National Early Literacy Screening Initiative.

NOMINATION OF EDWARD GNEHM, JR. FOR AMBASSADOR OF AUSTRALIA

Mr. ENZI. Mr. President, this is truly one of the highlights of my Senate career, an instant replay memory I will recall and cherish for a long time to come. For today I was able to read and have approved the nomination of my college roommate to serve as Ambassador. It's something we would have never dreamed we would be a part of back in the days when we were rooming together just down the street from the United States Capitol at George Washington University.

I first met Edward Gnehm, Jr., or ''Skip'' as everyone has come to know him, years ago and we quickly became friends. In fact, Skip was my fraternity brother and he is the only brother that I have ever had—of any kind—in my life. He was my roommate for three years and he's been my friend ever since. As I hit the books and studied about accounting and business, he was

working on learning the nuances of International Relations in the hope that it would help him become a career Ambassador for the United States of America. I watched him work and dedicate his every waking moment to his dream. You can't help but be inspired by someone who has that kind of dedication. He was a brilliant guy, but he was also modest about it. He had high expectations for his college years—his teachers did, too. Skip's hard work and determination allowed him to exceed and surpass them all. None of us who knew him were surprised by his success.

We graduated from college and then, as the years passed, we took on the challenges of our lives. For me, a career as a small businessman gave way to a second career in politics. For Skip it was one post, one assignment after another, as his work took him literally all over the world.

So much of what I know about the world and the people of different countries comes from having seen so much of it through my friend Skip's eyes. He first served in Katmandu, the capital of Nepal. He also worked in many parts of the Middle East. As Ambassador, he faced danger and showed a unique kind of bravery in Kuwait when Saddam Hussein's Army took up residence across the street. Through it all, Skip never wavered, and he never lost sight of what he most wanted to do—and that was to serve his country to the best of his ability.

That may sound a bit corny to some, but that's all right. In this day and age we need more like him who are dedicated to God, country and family and who live that philosophy from the heart every day. It's called walking your talk and Skip knows all about that. I know that about him because I know him so well. I canoed with him in the swamps of Georgia. You get to know a lot about someone when it's the two of you sharing the experience of being lost in the midst of some mysterious aspect of God's creation. Those are quiet times that lead to thoughtful reflection and a shared focus on the things that are important in life.

Another of the things we have in common was our incredible good fortune in picking a spouse. Skip and his wife Peggy and I and my wife Diana have built a relationship based on trust, cooperation, communication and understanding. That kind of bond has helped Skip and Peggy to serve their country as Ambassadors overseas and it has helped Diana and me to serve the people of Wyoming here in the Senate.

He and I have sons and daughters who are the same age. His son, Ed, is married to the daughter of the couple who introduced me to my wife, Diana. They met at my swearing-in ceremony. The two dads were part of my wedding. And I was there to see their children's marriage in Wyoming.

He recently had a break in his assignments which brought him back to Washington where he served at the State Department. It was always good to see him and to watch him continue to serve in so many different capacities with the same strength, courage and professionalism he brought to any task. On other assignments here, he worked with the Defense Department as State Department Liaison, with Senator KENNEDY on foreign relations issues and he has also held several other posts. He has served in the United Nations.

Although he was doing well ''back home'' Skip wanted to get back on the road and head out for another adventure, another challenge in his life. Now, with the action taken by the Senate today, he has received his next call.

I want to thank all of those who made Skip's placement possible. First, let me acknowledge the efforts of CRAIG THOMAS, my friend and colleague from Wyoming, who held hearings on Skip's nomination. He went beyond the call of duty to get his part of the job done in a timely fashion.

Senator HELMS, too, deserves our appreciation for his expeditious work with the full Committee to get the nomination brought before the full Senate for our consideration.

Now, all those years of planning, preparing, and public service have paid off. For Skip, it means another post in an already distinguished career. For us, it means we have a truly dedicated career officer who will be serving us in Australia. I can't think of a better Ambassador and representative of the people of the United States than Skip Gnehm. He will love being there and Australia will love coming to know Skip. It's another perfect match!

TRIBUTE TO SERGEANT MAJOR OF THE ARMY ROBERT E. HALL

Mr. THURMOND. Mr. President. I would like to take this opportunity to pay tribute to Sergeant Major of the Army (SMA) Robert E. Hall, who will retire today, June 22, 2000. SMA Hall's service to our nation spanned more than 32 years, during which he distinguished himself as a soldier, leader, mentor, and advisor to the Chief of Staff of the Army.

A native of Gaffney, South Carolina, SMA Hall enlisted in the U.S. Army in February 1968. During his more than three decades of loyal service to the nation, he has held and served in every enlisted leadership position from squad leader to command sergeant major. He is a combat tested leader, serving in Desert Shield/Desert Storm with the 24th Infantry Division Artillery as its command sergeant major. Before becoming the 11th Sergeant Major of the United States Army, he was command sergeant major of U.S. Central Command, MacDill Air Force Base, Tampa, Florida. He also served as command sergeant major, 1st Battalion, 5th Air Defense Artillery, Fort Steward, Georgia; Commandant, 24th Infantry Division Noncommissioned Officer Academy, Fort Steward, Georgia; the 24th Division Artillery, Saudi Arabia and Iraq; the 2nd Infantry Division, Korea; and First U.S. Army, Fort Meade, Maryland.

During SMA Hall's tenure as advisor to the Chief of Staff of the Army, he made individual soldiers' issues a priority, focusing on improving the quality of life for them and their families. He concentrated on providing servicemen and their loved ones with accurate and timely information so that they could make educated and informed decisions about their future in a transforming Army. His personal efforts provided significant assistance and helped to ensure the successful repeal of the REDUX retirement system. In addition, he helped lay the foundation for pay table reform. This was achieved through regular interviews with both internal and external media sources. He also testified and visited with congressmen more than 19 times during his tenure as Sergeant Major of the Army. In doing so, he established a reputation, trust, and rapport with Congress as a caring leader who conveyed the needs of enlisted soldiers.

SMA Hall's distinguished 32-year career epitomizes the consummate professional soldier. But above all, he is a loving and caring husband and father whose service was enhanced by his wife, Carole, and their three children, Apra, Rea, and Jason.

I am certain that my colleagues in the Senate join me in commending SMA Hall on his dedicated service to the nation and the United States Army, and wish him well in his future endeavors.

GUN SAFETY CAMPAIGN

Mr. LEVIN. Mr. President, when six-year old Kayla Rolland, from Mt. Morris Township, Michigan, was shot by a fellow classmate, it moved most Americans to tears. Months later, the tears dried and the images faded from view for some, while others turned those tears into action. Of course, the most active group has been the Million Moms, who marched in my home state of Michigan and around the country to demonstrate for safer, more sensible gun laws.

The mothers and others marched on Mothers' Day, 2000 because they are fed up with Congress and our continual failure to pass responsible gun measures that will help protect America's children. Since the school shooting in Colorado, and the more recent one in Michigan, Congress has failed to act, so Americans have started to take gun safety into their own hands. One of those Americans is Joe Yax of Midland, Michigan.

Mr. Yax was driven to action by the school shooting of Kayla Rolland. Yax said he felt nauseated when he first heard news of the shooting, and immediately thought of his own young children, and the unlocked guns he kept at home. Yax told the press that he had always planned to purchase locking devices for his guns, but he never found the time. When young Kayla was shot, not only did Mr. Yax find the time to purchase trigger locks to make his own children safer, Mr. Yax, who is a store employee of the Midwest superstore, Meijer, e-mailed the company's president to see how he could make his community safer.

As a result of that e-mail, Meijer, which does not sell guns, but does sell ammunition, hunting licenses and other supplies, implemented a gun safety campaign at all of their stores. Sporting-good employees now wear buttons reading, ''Is your home gun safe? Trigger lock 'em'' and trigger locks are displayed prominently at the sporting-goods counter. In addition, Meijer reduced the price of trigger locking devices to encourage more purchases.

I am pleased that Joe Yax took this initiative, and I think he and Meijer should be commended for their efforts. Corporate responsibility is a necessity if we are going to reduce gun violence. Nevertheless, while Mr. Yax did what he could to improve gun safety, it is not enough. It's time for Congress to follow the lead of Mr. Yax and act to make sure our own children—America's children—are safer.

MEDICARE LOCKBOX

Mr. ASHCROFT. Mr. President, I am pleased to speak for a few moments to call attention and applaud the actions of the House of Representatives this week in taking a fundamentally important step toward protecting both the Medicare and Social Security programs.

I want all Americans to know that the full House passed Medicare Lockbox legislation—H.R. 3859, sponsored by Representative WALLY HERGER—by an overwhelming 420–2 margin. What months ago some inside the Beltway said was impossible has happened—one chamber of Congress has spoken in an almost unanimous voice to protect the Medicare and Social Security surpluses.

For decades, Congress and the President have used Social Security and Medicare surpluses to finance additional government deficits. Last year, for the first time since 1957, Congress balanced the budget without spending a penny of the Social Security surplus.

When Congress accomplished this important goal, I immediately set my sights on a higher goal—that is, to protect the Medicare Part A surplus in the same manner. So on November 18, 1999, I introduced S. 1962, the Social Security and Medicare Safe Deposit Box Act. The bill the House passed yesterday is very similar to my legislation, and I am encouraged about the prospects of passing the Medicare Lockbox in the Senate and seeing it signed into law.

We need to ensure that the payroll taxes Americans contribute to pay for Social Security and Medicare are used solely to pay Social Security and Medicare benefits. Any surpluses in these accounts should be used to reduce publicly-held debt. It is wrong for Washington to spend this money on additional government programs or to finance additional government deficits.

The Medicare lockbox will wall off the surpluses in the Social Security and Medicare Part A Trust Funds, barring Congress from even considering a budget that used Social Security or Medicare surpluses to finance deficits in the rest of the government; only a three-fifth vote in the Senate and a majority in the House could override the new rule.

It will impose discipline and clarity on the spending practices in Washington. If Congress or the President wants to spend Medicare Part A or Social Security surpluses, Congress will need to have a separate vote to suspend the Lockbox protections in order to do so.

Not only have nearly all Republicans and Democrats in the House endorsed the Lockbox concept; Vice President AL GORE announced several weeks ago that he, too, supports erecting a wall of protection around the Medicare surplus. His support is welcome, and his assistance in helping to pass this measure is eagerly anticipated.

I urge the leadership on both sides of the aisle to agree to call up and pass the Medicare Lockbox. By doing this, we will send the powerful message that protecting both Medicare and Social Security is our highest priority.

It is essential that we make this change. Social Security is scheduled to go bankrupt by 2037. Medicare is projected to become insolvent even sooner, in 2023. It is vitally important that we ensure that the government not spend monies dedicated for the trust funds that sustain these essential programs.

While protecting the Medicare surplus seemed to be an unattainable goal just a few short years ago, this goal is now within our reach. In addition to funding the government for fiscal year 2000 without spending a penny out of the Social Security trust fund, CBO's new projections will demonstrate that we will have enough revenue available to protect the $22 billion Part A Medicare surplus as well.

It is imperative that we limit spending this year so that we do not dip into the Medicare surplus in FY 2001 and in years to come.

Both Medicare and Social Security are funded out of payroll taxes specifically delineated for their respective purposes, and are supposed to be reserved for those purposes. If there are surpluses in these accounts, if these accounts take in more money than is necessary for their stated purposes in a specific year, then that money should not suddenly be available for general government spending.

Any and all surpluses in those two accounts should be reserved for their stated purpose, or be used to help shore up those accounts. The Medicare Lockbox promotes honest accounting, and requires the government to use funds for their advertised purposes.

Lockboxing Social Security and Medicare surpluses is an essential first step in securing the long term financial solvency of Medicare and Social Security.

The Medicare Lockbox will change the way business is done in Washington. I commend the House and Congressman HERGER for taking the first step in protecting the Medicare Part A trust fund.

The House bill is not perfect, but it will protect all of the Medicare Part A and Social Security trust funds. It also has the support of 420 members of the House of Representatives. The overwhelming support for the Medicare lockbox in the House should send a powerful signal to the Senate to take up and pass this bill.

Passing this law will be the next step on our journey to secure the long term solvency of Social Security and Medicare.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 21, 2000, the Federal debt stood at $5,653,964,505,301.84 (Five trillion, six hundred fifty-three billion, nine hundred sixty-four million, five hundred five thousand, three hundred one dollars and eighty-four cents).

One year ago, June 21, 1999, the Federal debt stood at $5,589,358,000,000 (Five trillion, five hundred eighty-nine billion, three hundred fifty-eight million).

Five years ago, June 21, 1995, the Federal debt stood at $4,898,069,000,000 (Four trillion, eight hundred ninety-eight billion, sixty-nine million).

Ten years ago, June 21, 1990, the Federal debt stood at $3,177,422,000,000 (Three trillion, one hundred seventy-seven billion, four hundred twenty-two million).

Fifteen years ago, June 21, 1985, the Federal debt stood at $1,761,470,000,000 (One trillion, seven hundred sixty-one billion, four hundred seventy million) which reflects a debt increase of almost $4 trillion—$3,892,494,505,301.84 (Three trillion, eight hundred ninety-two billion, four hundred ninety-four

million, five hundred five thousand, three hundred one dollars and eighty-four cents) during the past 15 years.

CAMPAIGN FINANCE TASK FORCE CHIEF PROSECUTOR INVESTIGATES VICE PRESIDENT GORE REGARDING CAMPAIGN CONTRIBUTIONS

Mr. SESSIONS. Mr. President, I want to share some thoughts tonight about a major development concerning the investigation involving the financing of the Vice President's 1996 reelection campaign. First, however, I would like to say that this matter should have been over some time ago, but the Attorney General declined to appoint an Independent Counsel. The Justice Department attorneys who were involved in the investigation of the campaign financing matter have recently testified before the Subcommittee of the Judiciary Committee, which is chaired by Senator SPECTER and of which I am a member. In my opinion, these attorneys have not produced credible and justifiable reasons for the lack of an appointment of an Indpendent Counsel or for the extraordinary delays that have incurred in the campaign finance investigation.

My 15 years of experience as a prosecutor in the Department of Justice convince me that if the Department of Justice was not going to call for an outside prosecutor—an Independent Counsel—to investigate Vice President GORE, it had an imperative obligation to investigate the matter thoroughly, promptly, and fairly and to bring it to a conclusion. But the attorneys for the Department of Justice who have been involved in this matter for years did not do that.

Late this afternoon, the Associated Press and the New York Times reported that Robert Conrad, the new head of the Justice Department's Campaign Finance Task Force, has requested that Attorney General Reno appoint a ''special counsel.'' After the expiration of the Independent Counsel Statute, Attorney General Reno has the authority to appoint a special counsel to investigate Vice President GORE's involvement in the 1996 campaign fundraising matters.

This is the most recent in a long line of highly respected officials within and without the Department of Justice who have asked for a complete and independent investigation of various aspects of the Vice President's fundraising activities. Unfortunately, each and every previous request for an independent investigation has been denied.

FBI Director Louis Freeh, himself a former Federal judge and a former experienced and skilled Federal prosecutor who personally prosecuted some of this country's most complex cases, recommended the appointment of an Independent Counsel in the fall of 1996.

FBI General Counsel Larry Parkinson also recommended an Independent Counsel.

The former head of the Justice Department's Campaign Finance Task Force, Mr. Charles La Bella, also recommended that an Independent Counsel be appointed. He actually did so several times after he took over as head of the task force in the fall of 1997. He eventually resigned from that position.

Chief FBI Investigator DeSarno joined in La Bella's recommendations.

Ms. Judy Feigin, Mr. La Bella's chief prosecutor in 1998, also recommended that an Independent Counsel be appointed in the campaign finance matter.

Finally, Principal Associate Deputy Attorney General Bob Litt—the associate Attorney General third in line to Janet Reno at the Department of Justice, an individual she picked and was approved by the President—recommended the appointment of an Independent Counsel. He switched his position after opposing such an appointment for some time. Even Mr. Litt recommended an Independent Counsel in 1998. But no independent investigation has been approved to date.

Mr. Conrad testified before our subcommittee a few days ago. He impressed me as a solid prosecutor with over 10 years experience, with a substantial record of trying courtroom cases. He understood his duty. He was soft spoken. He was solid. He would never be led into saying things he did not think were proper. We were very impressed with him. Since his involvement with the case began approximately six months ago, some five people have pleaded guilty or been convicted of criminal offenses arising from the financing of the 1996 Clinton-Gore campaign. So his recommendation for an independent investigation is entitled to substantial weight and is very, very important for America.

I sincerely and earnestly request that the Attorney General not deny this most recent request to investigate the Vice President regarding the receipt of illegal campaign contributions.

Yesterday, at our hearing, chaired by Senator SPECTER, Mr. Conrad testified that he had personally interviewed Vice President GORE in April. Mr. Radek, a top Department of Justice official, has recently confirmed, in an NBC Meet the Press interview, that Vice President GORE's Buddhist temple fundraiser is ''still under investigation by the task force. And if any evidence shows up that Vice President GORE knew about the crimes that were involved there, of course, that would, again, cause a triggering of the now independent counsel regulations in the department.'' I believe Mr. Radek was referring to the new special counsel provisions.

News accounts in the New York Post recently reported that at the interview, the Vice President ''blew his top . . . because they asked about his illegal Buddhist temple fundraiser for the first time.'' Further, the Vice President ''seemed stunned'' and ''fumed'' when confronted with these allegations, and the interview ''ended in a yelling match between GORE and federal investigators.''

These are the investigations of Mr. Conrad. After four years, finally Vice President was asked about this. That is the description of that interview. I would think the Vice President would want to clear up the matter and be candid and forthcoming with the investigator. It would certainly be better for the country. It would certainly allow the matter to have been concluded sooner.

What is this campaign financing matter about? Why is it that this Buddhist temple matter simply will not go away?

On April 29, 1996, in Hacienda Heights, California, Vice President GORE held a fundraiser at a Buddhist temple—a tax-exempt institution where you shouldn't be able to hold a fundraiser. Several questions arose from this fundraiser.

Who were the people surrounding Vice President GORE at this event? Were the people involved in this event involved in illegal foreign-source contributions?

What was the role of the Vice President's staff and DNC staff regarding this event? What was the Vice President's role regarding this fund-raising event?

The poster shows a picture of Vice President GORE at the Buddhist temple fund raiser. To his far right is Maria Hsia, his long-time friend and fundraiser of more than 10 years, who was recently convicted on 5 felony counts. Her convictions stem directly from the Buddhist temple fund-raiser. It is important to note that the investigation by the Senate Governmental Affairs Committee concluded that Maria Hsia is an ''agent of the Chinese government, that she acted knowingly in support of it, and that she has attempted to conceal her relationship with the Chinese government.''

To Vice President GORE's immediate left is Ted Sieong, who fled the country as soon as he was implicated in the fund-raising scandals and who we believe remains under criminal investigation. Ted Sioeng is an overseas businessman who has been tied to hundreds of thousands of dollars in illegal contributions during the 1996 campaign, and the Senate Governmental Affairs Committee concluded that he ''worked, and perhaps still works, on behalf of the Chinese government.'' Behind and to Vice President GORE's right is John Huang, a Vice Chairman of the DNC staff who helped the Vice President plan the Buddhist temple event. Mr. Huang also subsequently pleaded guilty

to a felony count. He raised over a million in illegal foreign-source contributions.

Finally, behind the Vice President and to his far right is Man Ho Shih a Buddhist Nun who admitted to another Committee of the Senate that she and others set about destroying documents relating to the temple fund raiser. According to one of her fellow monastics, those documents were destroyed because they ''did not want to embarrass the Vice President.'' She also fled the country before she was scheduled to testify in a court of law, and is now under indictment, but evading custody.

Moreover, another key piece of evidence which could shed some light on this issue, the videotape of the event, has never been found. This is a serious matter. The rule of law is a serious matter. A legitimate investigation is required.

I make no suggestion that the Vice President is guilty of any crime related to this event and I sincerely hope that he is not.

I am deeply troubled that senior officials in the Justice Department have refused for four years to allow investigators the opportunity to ask the necessary questions of the Vice President and other senior administration officials so that this matter can be resolved one way or the other.

Indeed, we had testimony in our subcommittee, and we went over it two days ago with Mr. Mansfield the former Assistant United States Attorney in Los Angeles who started the initial investigation of the Buddhist temple fundraiser.

When this news broke late in the 1996 Presidential campaign, Mr. Mansfield, who had previously and successfully prosecuted a Republican Congressman for campaign fraud, was preparing his investigative plan for this event. He testified that in these kind of cases you need to move quickly to get records and documents and interview witnesses. But he was stopped by a political appointee, the chief of the Public Integrity Section in the Department of Justice, by written direction. And he was not allowed to proceed to interview witnesses, or to issue subpoenas for documents. And, indeed, the Department of Justice subsequently declared that no Independent Counsel was required, rejecting the suggestion of Senator MCCAIN, who previously talked on this floor and who wrote at that time calling for an Independent Counsel to be appointed. And five other Members joined in that letter.

But the Department of Justice attorneys who stopped Mr. Mansfield's investigation did not interview any witnesses or do any significant investigation.

That is why I believe it is important that Mr. CONRAD's request for the appointment of a special counsel should be granted. The Attorney General has one more chance to do what I believe is her duty.

Mr. Conrad has a reputation as a man of integrity and a solid prosecutor who gets results. As the current chief prosecutor who has been in place for only a few months, has done a fine job in securing 5 convictions and guilty plea agreements in several key cases. One of these involved Pauline Kanchanalak, who was responsible for funneling approximately $690,000 of illegal foreign money to the Democratic National Committee and 5 state Democratic parties. More than $457,000 of this amount was related to one White House coffee on June 18, 1996, organized by John Huang and attended by President Clinton. Another case involved the conviction of Maria Hsia on March 2, 2000, which resulted, in part, from her involvement in the California Buddhist Temple fundraiser to funnel more than $100,000 of illegal foreign money into the Clinton-Gore 1996 reelection campaign. Even after her conviction on five felony counts, Maria Hsia is still not in jail. In fact, Judge Friedman granted her request to have her passport returned so she can travel freely between China and the United States.

At any rate, some progress apparently is being made. And I commend the efforts of Mr. Conrad. I believe that his work has the potential to restore the integrity of the Department of Justice, and I believe Attorney General Reno should follow his advice and appoint a special counsel to conclude this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE EXECUTION OF GARY GRAHAM

Mr. FEINGOLD. Mr. President, the Nation has been engaged in a raging debate in recent days on whether Gary Graham should be executed in Texas.

Supporters of the death penalty, including Governor Bush, have said there is no conclusive proof that Texas or any State has killed an innocent person. But apparently Gary Graham, who had the courthouse doors slammed shut on his claim of innocence, won't have a chance to prove that he is innocent.

I understand, at this moment, that all appeals have now been denied. Mr. Graham is scheduled to be executed before midnight tonight.

Mr. President, Mr. Graham's plight symbolizes some of the most serious concerns with the fairness and accuracy in the administration of the death penalty. Don't get me wrong, Mr. Graham is not a good guy. He is a criminal, and, in fact, a very serious offender who deserves very serious punishment.

But we need to realize what is about to happen. He is still a human being who is about to be executed at the hands of the State of Texas. This is a capital matter.

Mr. Graham may not have committed a murder for which he is about to be executed. This case raised very serious issues of woefully incompetent trial counsel, eyewitness testimony that has never been heard by a jury, a conviction based on the sole testimony of just one eyewitness, and exculpatory ballistic testing data that was not shown to the jury.

Despite the claims of those who would support the death penalty, Gary Graham is not alone. There are other examples of people—in places like Virginia, Florida and even Texas—who have been put to death in the face of grave doubt about their guilt. We don't have absolute proof of their innocence. But some day soon, if we continue to let this system run amok, there will be a case where an irrefutably innocent person is executed.

One Governor got it right. Governor Ryan of Illinois called a halt to executions in his State and appointed a blue ribbon commission to study whether the system could be fixed. Some say, I think essentially with no basis, that, yes, that was the right thing to do in Illinois but that Illinois is an aberration. Mr. President, I don't believe for a minute that Illinois is an aberration when it comes to the problems with the administration of the death penalty in this country. Governor Ryan was right when he said that he wanted absolute certainty that the person scheduled to die is guilty. The same certainty should apply to the State of Texas this very evening.

A recent study by Columbia University documented that 52 percent of death penalty cases in Texas were overturned on appeal during the time period for which the study was done. Nationwide, the Columbia study found an average reversal rate of nearly 7 out of 10 capital cases.

What does the Governor of Texas say? He says he is certain that every single one of the over 100 people executed under his watch as Governor was guilty. I have heard him say this many times. He only considers two factors: Whether the person is guilty, and whether he or she had full access to the courts.

This is a matter of life and death. They found out in Illinois that it is not that simple. It is not just whether the person is guilty and whether they had full access to the courts. I have no doubt that the intense media and public scrutiny of Texas and Governor Bush's leadership is warranted in this case. The same kind of problems are arising in Texas that were discovered in Illinois and that forced Governor Ryan to take the action he did. In Illinois, it was not the criminal justice system that discovered its defects, it was undergraduate journalism students

at Northwestern University who uncovered some of the cases of actual innocence. One person was on death row 2 days from his execution and ultimately the students were able to prove he was actually innocent.

The Chicago Tribune, a newspaper in Illinois, was responsible for some of the other proof of innocent individuals on death row, some 13 in Illinois. It was college students. It was the press. They were parties outside the criminal justice system who had to point out the defects in the system.

Now the same thing is happening in Texas tonight. The discussion should not end with media attention to this case. In fact, I was appalled this morning. I watch the Today Show every morning as I am getting up and reading the Washington Post. I felt I was watching the trial of a human being, a person who was about to be put to death, on a national television show in a brief segment between advertisements. This cannot be the way we administer justice in this country. In fact, I am very concerned about the way in which this is becoming almost a sideshow, somehow connected with the Presidential election.

In fairness to the Governor of Texas and in fairness to Vice President AL GORE, this should not be on their head as the Presidential election goes forward. They should not be put in the position of having to make these decisions as this country comes to the conclusion as to who will be the next President. It is a very unseemly environment in which to decide whether people should live or die. We have a special problem, and it happens that the State with the most executions occurring, the State with many of the executions coming up, happens to be the State of the presumptive Republican nominee for President.

It is a very uncomfortable situation when at the same time all of these questions about the death penalty are being raised. No one can say that this was somehow a partisan attempt to raise the issue because the person who really got this issue going, who really raised the question, is the Governor of Illinois, the chairman of Governor George Bush's campaign in Illinois.

I plead that we get this issue away from the Presidential election. The only way we can do that is to have a credible and honest review of the fairness and justice in the system by which our Nation imposes the sentence of death. We should do exactly what Governor Ryan did in Illinois throughout this country: have a moratorium, a pause, during which a blue ribbon panel of pro and anti-death penalty people and other experts examine the issue.

We need a temporary halt to executions throughout America. Support for this is growing. California, more than any other State, including Texas, has the most inmates sitting on death row awaiting execution. In a poll of California residents released just today, almost two-thirds of Californians continue to support the use of capital punishment. But by a margin of nearly 4–1, the poll found that Californians favor a halt to executions while the death penalty is studied. I think that is very interesting. The vast majority still support the death penalty, but they do know that something is wrong and we need a pause.

I urge my colleagues to lead the American people and join me as cosponsors of legislation that would put a temporary halt to executions and establish the National Commission on the Death Penalty, the National Death Penalty Moratorium Act.

This rush to judgment concerning Gary Graham is not in keeping with American traditions and values of fairness and justice. I ask my colleagues to join in urging a pause before an innocent person is executed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the comments of my colleague from Wisconsin. I agree, innocent lives should not be killed. We should be looking at every possible degree of evidence we possibly can.

I wonder if we could also consider all the young, innocent lives that are killed at the same time, and somehow put together a blue ribbon commission to determine when life begins, and say we are not going to allow that to take place anymore, either.

I was just calculating. Across the country, we have every year about 1.2 million abortions that take place. So today there have been over 3,000 abortions. I agree that innocent life should not be killed and we should do everything we possibly can to review that evidence, look at DNA evidence, anything we can. We should remove any sort of barriers to time limits on tests for DNA evidence. That is an important and good thing we should do.

But can't we also consider at the same time, when does that innocent life begin? I think those are valid points that we should both pause and consider at this time.

NCAA GAMBLING AMENDMENT

Mr. BROWNBACK. Mr. President, the reason for me to speak this evening is to comment about an amendment that Senator MCCAIN and myself, along with two other Members have as well, that is pending on the DOD authorization bill. I am not raising the amendment tonight, but I want to talk about it because it has been one of some controversy. I want to put forward the issues of why I am so concerned about this issue. It is an amendment that Senator MCCAIN, myself, and two other Members sponsored, Senator EDWARDS and Senator VOINOVICH. It is about college gambling—specifically, legalized gambling in America on college athletics, college sports.

We have currently in the country, banned everywhere in America betting on college sports, except one State—in Nevada it is allowed.

There is legalized betting on college sports. If someone wants to bet on a University of Missouri football game, if they want to bet on a University of Kansas basketball game, there is a legal scoreboard, there is a game spread on it, and there is money laid on the table. It is all legal.

The handle is about $1 billion in Nevada each year betting on schools such as the University of Kansas, Kansas State University football, the Final Four. It takes place every year. That has been growing substantially at the level of the handle, and it is going to keep on growing.

The problem is it is tarnishing our amateur athletics. It is giving a black eye to college sports. We are getting more and more young people hooked into gambling because one of the key gateways to starting gambling is sports betting. A high number of young people start betting on college sports. Our athletes are being sucked into it, and we have seen more cases of point shaving in the decade of the nineties by college athletes than the entire record of the NCAA before that.

The famous case about Northwestern University that broke during the Final Four 2 years ago was a point shaving case. We had at a press conference Kevin Pendergast, a former Notre Dame placekicker, the mastermind who orchestrated the shaving case. He stated he would never have been able to pull off this scheme without the ability to legally lay a large amount of money on the Las Vegas sports books.

He said: If I do not have that, I have to pull off two shams. I have to get the athletes to shave the case, and I have to sham some bookie as well. This way, if I can get the athletes to line up and not lose the game—the point is not to lose the game, just do not make the spread. If it is a 10-point spread, just do not make it. It is easy to do. A player does not have to miss a shot. Unfortunately, we have been learning a lot about it. Where they usually do it is on defense. Let your man beat you: He got by me, coach; I didn't mean to.

You do not stand at the foul line and look at the shot and say: I am throwing a brick up there, when you do not normally. This is getting pretty sophisticated now. The player lets his opponent slip by, he jukes you one way, off you go: He scored on me, coach; I didn't mean for it to happen.

The points were not made, the money is shaved, and away we go.

Not only is it our athletes, but it is also our referees. This really should upset some people. Listen to this. I watch games and a lot of times I do not think the refs get it right. I would not

want to have their job, but I get pretty irritated, particularly when it is my team and the call goes against it.

A study conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament.

It gets worse. Two referees said they were aware of the spread on a game, and it affected the way they officiated the contest. Some were asked to fix games they were officiating, and others were aware of referees who ''did not call the game fairly because of gambling reasons.''

Several weeks ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometimes connected. Even our referees are being pulled into this gambling situation.

This legislation by the four sponsors was a recommendation of the National Gambling Impact Study Commission that met for 2 years on the impact of gambling. They said this seedy influence should not be allowed to persist in college sports and on our athletes.

The Commerce Committee held hearings on this. I said at least provide a State opt-out; allow a way for the University of Kansas, Kansas State University, Wichita State University to get off the board so they can petition you so you do not bet on them.

Currently, no one can bet on the University of Nevada, Las Vegas. It is illegal in Nevada to bet on a Nevada college team. They said it might be unseemly or it might appear to be too much influence, to which I thought: All right. That sounds like a legitimate reason to me. Allow me to get the University of Kansas and Kansas State University off.

They said: No, we are not going to do that. We will not allow your legislatures to petition; we will not allow your Governors to petition or your presidents to petition; we are going to leave them on the book because if you want out, there will probably be others who will want out as well. We do not want to let you out of this. This is a $1 billion handle for us, and we get a lot of business.

The problem is, it has given a black eye to college sports. Listen to what some of the coaches are saying about this.

I ask unanimous consent that a letter Senator McCAIN and I received and a list of organizations supporting this legislation be printed in the RECORD. They include, among others, the National Collegiate Athletic Association and the National Council on Education.

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

APRIL 24, 2000.

Hon. JOHN McCAIN,
Hon. SAM BROWNBACK,
U.S. Senate, Washington, DC.

DEAR SENATORS McCAIN AND BROWNBACK: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We are grateful for your enthusiastic support for the legislation and are hopeful that the United States Senate will follow the lead of the Commerce Committee by overwhelmingly adopting S. 2340 when it is considered on the Senate floor. We believe this legislation will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

Re-sensitize young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

You have permission to use our association's name publicly in support of S. 2340. We stand ready to assist in any way we can to insure this important legislation's passage.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; National Association of Jesuit Colleges and Universities; American Football Coaches Association; National Association of Basketball Coaches.

American Federation of Teachers; U.S. Olympic Committee; National Federation of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame; The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association.

USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America; National Association of Collegiate Marketing Administrators; Intercollegiate Tennis Association.

College Athletic Business Management Association; U.S. Track Coaches Association; American Hockey Coaches Association; National Fastpitch Coaches Association; National Association of Gymnastics Coaches/Women; International Association of Approved Basketball Coaches; American Baseball Association; Women's Basketball Coaches Association.

Mr. BROWNBACK. Mr. President, one of the key coaches was Coach Calhoun from the University of Connecticut, U. Conn. He stated, while this legislation does not solve the problem, ''it is a good starting point.'' That is exactly what the legislation is, a beginning that will send a clear message to our communities and, more importantly, to our kids that gambling on student athletics is wrong and threatens the integrity of college sports.

We are asking for a simple amendment on this authorization bill. We would agree to an hour of debate equally divided between both sides. I am willing to start tonight. I am willing to go through the night. I am willing to go tomorrow, Saturday to bring this issue before this body. It is an important matter, and it needs to come before this body. We seek an up-or-down vote on it.

Some people have raised questions about it. This is the time and place to do it. We are ready. It is time to do it. It was voted through the Commerce Committee with only two dissenting votes. Let's bring it up. That is why Senator McCAIN and I are pressing so aggressively to get this amendment considered on the DOD authorization. We will do it in a limited amount of time, whenever, an up-or-down vote. Let's just press this issue through and see what the will of the body is.

ADDITIONAL STATEMENTS

IN HONOR OF THE HONORABLE NEIL L. LYNCH

• Mr. KERRY. Mr. President, I am honored to rise today and pay tribute to a public servant who has selflessly contributed his legal knowledge and experience to the Commonwealth of Massachusetts and its residents for almost 50 years. Today, the Honorable Neil L. Lynch, Associate Justice of the Massachusetts Supreme Judicial Court, gathers with this friends and family to celebrate a career marked by military service, a devotion to family, and a true love of the law.

Beginning in 1952 with his service as a First Lieutenant Adjutant in the 42nd Air Rescue Squadron of the United States Air Force, Justice Lynch set a standard of achievement and professionalism that would carry him to the pinnacle of the legal profession. After working at Hale, Sanderson, Byrne & Morton, he began teaching at the new England School of Law. He served as Chief Legal Counsel and Secretary-Treasurer at the Massachusetts Port Authority, worked again in the private sector with Herlihy & O'Brian, then return to New England School of law as a Professor of Law.

Judge Lynch's skills and understanding of the law were well known in Massachusetts by the 1970's, and few

were surprised when Governor Ed King appointed him to be his Chief Legal Counsel from 1979 to 1981. This ascension was completed by the Governor's nomination of Justice Lynch for a seat on the Massachusetts Supreme Judicial Court, a position he has held with unquestioned professionalism and integrity since 1981.

While a member of the Court, Justice Lynch has reached out to all levels of law enforcement in an effort to pool and maximize the considerable knowledge and resources amongst his peers. As Dean and President of the Flaschner Judicial Institute, Justice Lynch oversaw a professional enhancement program that shares information on new initiatives and changes in the field with his colleagues, he returned to academia to teach at the Massachusetts School of Law, and issued the landmark study, ''Commission to Study Racial and Ethnic Bias in the Courts,'' in 1994.

Now, instead of navigating through complex legal issues, Justice Lynch will be navigating his beloved ''Sui Generis'' through the waterways of the East Coast. He leaves the court to spend more time with Kathleen and his family and their growing number of grandchildren. Mr. President, I join all of justice Lynch's colleagues, past and present, and all of the people he has touched in the course of his professional life, in thanking him for his dedication to justice and equality under the law.●

TRIBUTE TO JIM COLLINS—50 YEARS IN JOURNALISM

● Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Mr. Jim Collins, editor of the Willoughby, Ohio, News-Herald newspaper on the occasion of his 50 years in journalism.

From an early age, Jim had newspaper ink flowing through his veins. By the time he was 12, he was working as a paper boy for the News-Herald, delivering the twice-weekly paper to homes all over town. It's hard to imagine today, but subscribers paid just six cents a week for the News-Herald back in 1941.

After graduating from Kent State University in 1950, Jim was hired as a full-time reporter for the News-Herald. He served in this capacity until 1952, when Jim answered the call of his government and served a two-year tour of duty in the Army.

When Jim returned to Willoughby, he resumed his duty as a reporter for the News-Herald until 1959. That year, the News-Herald's owners asked Jim to manage two other papers that they owned, the Parma News and the Brooklyn News. Jim became the one-person operation for both papers for 15 months whereupon he returned to the News-Herald.

By 1967, Jim had worked his way up to become editor of the newspaper. In fact, throughout his tenure with the News-Herald, Jim has held a variety of editorial positions including assistant editor, city editor, managing editor and executive editor.

All throughout his career, Jim has accumulated a number of well-deserved awards, including the Associated Press of Ohio's first place award for commentary in 1982, the first place award for column writing in 1991, and the first place award for editorial commentary just two years ago. Jim has also been named the 1987 Willoughby Chamber of Commerce's Distinguished Citizen of the Year and received the Lake Parks Foundation award in 1994.

I have always said that the measure of a person can be determined by the work he or she does individually, or through the organizations to which he or she belongs, that benefit others. Jim has given of himself to numerous organizations having served as the chairman of the West End-YMCA board of managers and president of the Lake County YMCA. He is also a member of the Willoughby Rotary Club, Willoughby School of Fine Arts, the Lake County Blue Coats, the Willoughby Jaycees and several area chambers of commerce. Jim is also the first person to become an honorary lifetime member of the Lake County Police Chiefs Association and is a member of the Cleveland Foundation Lake-Geauga Fund Committee.

Jim is a true man of integrity, and it is his integrity that has earned him the respect of journalists and politicians across the state. He can be brutally honest, but he is always fair and he is never afraid to tell the truth. It is his character that has allowed him to remain in journalism for five decades.

Throughout his years with the News-Herald, he has worked to put together one of the most competitive papers in northeastern Ohio. Jim provides his readers a broader level of reporting than most regional papers, paying attention not only to local news, but to state and national news as well. Because of his leadership, circulation has grown. In addition, Jim's initiative has allowed for the creation of a forum for candidates—in conjunction with Lakeland Community College—that makes available to the public where candidates stand on particular issues.

While some may think that 50 years in the newspaper business is enough for any person, Jim is not slowing down and is by no means even close to retiring. That's good news, because I would have a very hard time imagining the News-Herald without Jim. I have enjoyed working with Jim and I look forward to working with him for many more years to come.

Mr. President, Jim Collins has been a real friend to me in all the years that I have known him. He has been an inspiration to me and so many others throughout his life and his career. I congratulate him for his dedication to the citizens of Ohio and for his 50 years of accomplishments in journalism. He has much to be proud of, and I consider myself very lucky to know him. I wish him many more years of success.

Thank you, Mr. President.●

TRIBUTE TO ROBERT J. LURTSEMA

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to a lover of music and an institution on Boston radio who recently passed away at age 68. In his long and brilliant career, Robert J. Lurtsema touched vast numbers of people in the Boston area with his ''deep organ voice'' and his love of classical music. For twenty-nine years, he was host and producer of ''Morning Pro Musica'' for radio station WGBH in our city, and he was widely loved and admired.

A native of Cambridge, Massachusetts, Robert J., as he was known to many, graduated from Boston University School of Journalism. He joined WGBH in 1971 as a weekend host, and after four months became the host and producer of ''Morning Pro Musica.'' In addition to the renown he won through his dedicated listeners, he has composed chamber music, the music for an award-winning documentary film, and the music used in Julia Child's cooking program on PBS.

Robert J.'s passion and devotion to classical music extended well beyond his broadcast responsibilities. He served with distinction as a board member for many New England musical organizations. He will be deeply missed for his dedication to the arts, and long remembered for his extraordinary service to the people of New England.●

DEDICATION OF KOREAN WAR MEMORIAL IN TRAVERSE CITY, MICHIGAN

● Mr. ABRAHAM. Mr. President, on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, and in doing so initiated the Korean War. On June 25, 2000, the citizens of Traverse City, Michigan, will commemorate the 50th Anniversary of this unfortunate event, and will recognize the efforts of the many men and women who served the United States Armed Forces during the Korean War, with the dedication of a Korean War Memorial.

The Korean War is often referred to as our ''forgotten war.'' Fought between World War II and the Vietnam War, I believe it safely can be said that it never found its proper place among our Nation's history textbooks. This weekend, the 50th Anniversary of the North Korean invasion, provides all of us with an opportunity to take a moment to recognize the men and women

who served in the Korean War—nearly six million individuals. Their sacrifices and contributions for the sake of our Nation must never be overlooked or forgotten.

Earlier this year, I was very pleased to co-sponsor Senate Joint Resolution 39, a bicameral resolution that recognizes the 50th Anniversary of the Korean War, and the service by the members of our Armed Forces during that conflict. Today, I am pleased to do my part to ensure that the Korean War ceases to be thought of as our ''forgotten war.'' There is no doubt in my mind—and there should be no doubt in anyone else's—that the men and women who served in Korea, and particularly the 54,260 soldiers who gave their lives in Korea, deserve much better than that.

Local communities can do much to remedy the situation as well. I commend Traverse City, Michigan, for constructing this Korean War memorial, and for taking the opportunity on Sunday, June 25, 2000, to pay tribute to the men and women who served during the Korean War. We must show these men and women that we appreciate their efforts and sacrifices on behalf on our great Nation, and that we thank them for their extraordinary efforts. In doing this, we will illustrate to them that they have not been forgotten; rather, the case is far from this.

Mr. President, the men and women who served our Nation in Korea did so at a time when its very foundation—democracy—was being threatened by the terrible force of communism. On behalf of the entire United States Senate, I congratulate the citizens of Traverse City, Michigan, for recognizing and honoring this service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT—PM 116

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000.*

REPORT OF THE EXECUTIVE ORDER BLOCKING PROPERTY OF THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 117

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material. The United States and the Russian Federation have entered into a series of agreements that provide for the conversion of highly enriched uranium (HEU) extracted from Russian nuclear weapons into low enriched uranium (LEU) for use in commercial nuclear reactors. The Russian Federation recently suspended its performance under these agreements because of concerns that payments due to it under these agreements may be subject to attachment, garnishment, or other judicial process, in the United States. Accordingly, I have issued an Executive Order to address the unusual and extraordinary risk of nuclear proliferation created by this situation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The United States and the Russian Federation entered into an international agreement in February 1993 to deal with these issues as they relate to the disposition of HEU extracted from Russian nuclear weapons (the ''HEU Agreement''). Under the HEU Agreement, 500 metric tons of HEU will be converted to LEU over a 20-year period. This is the equivalent of 20,000 nuclear warheads.

Additional agreements were put in place to effectuate the HEU Agreement, including agreements and contracts on transparency, on the appointment of executive agents to assist in implementing the agreements, and on the disposition of LEU delivered to the United States (collectively, the ''HEU Agreements''). Under the HEU Agreements, the Russian Federation extracts HEU metal from nuclear weapons. That HEU is oxidized and blended down to LEU in the Russian Federation. The resulting LEU is shipped to the United States for fabrication into fuel for commercial reactors. The United States monitors this conversion process through the Department of Energy's Warhead and Fissile Material Transparency Program.

The HEU Agreements provide for the Russian Federation to receive money and uranium hexafluoride in payment for each shipment of LEU converted from the Russian nuclear weapons. The money and uranium hexafluoride are transferred to the Russian Federation executive agent in the United States.

The Russian Federation recently suspended its performance under the HEU Agreements because of concerns over possible attachment, garnishment, or other judicial process with respect to the payments due to it as a result of litigation currently pending against the Russian Federation. In response to this concern, the Minister of Atomic Energy of the Russian Federation, Minister Adamov, notified Secretary Richardson on May 5, 2000, of the decision of the Russian Federation to halt shipment of LEU pending resolution of this problem. This suspension presents an unusual and extraordinary threat to U.S. national security goals due to the risk of nuclear proliferation caused by the accumulation of weapons-usable fissile material in the Russian Federation.

The executive branch and the Congress have previously recognized and continue to recognize the threat posed to the United States national security from the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the Russian Federation. This threat is the basis for significant programs aimed at Cooperative Threat Reduction and at controlling excess fissile material. The HEU Agreements are essential tools to accomplish these overall national security goals. Congress demonstrated support for these agreements when it authorized the purchase of Russian uranium in 1998, Public Law 105–277, and also enacted legislation to enable Russian uranium to be sold in this country pursuant to the USEC Privatization Act, 42 U.S.C. 2297h–10.

Payments made to the Russian Federation pursuant to the HEU Agreements are integral to the operation of this key national security program. Uncertainty surrounding litigation involving these payments could lead to a long-term suspension of the HEU Agreements, which creates the risk of nuclear proliferation. This is an unacceptable threat to the national security and foreign policy of the United States.

Accordingly, I have concluded that all property and interests in property of the government of the Russian Federation directly related to the implementation of the HEU Agreements should be protected from the threat of attachment, garnishment, or other judicial process. I have, therefore, exercised my authority and issued an Executive Order that provides:

—except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements that are in the United States, that hereafter come within the United States, or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

—unless licensed or authorized pursuant to the order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to the order; and

—that all heads of departments and agencies of the United States Government shall continue to take all appropriate measures within their authority to further the full implementation of the HEU Agreements.

The effect of this Executive Order is limited to property that is directly related to the implementation of the HEU Agreements. Such property will be clearly defined by the regulations, orders, directives, or licenses that will be issued pursuant to this Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000*.

MESSAGES FROM THE HOUSE

At 12:35 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. 4635. An act 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.

At 3:20 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. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4635. An act 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; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9330. A communication from the Social Security Administration Regulations Officer, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivors Disability Insurance and Supplemental Security Income For the Aged, Blind, and Disabled; Medical and Other Evidence of Your Impairment(s) and Definition of Medical Consultant'' (RIN0960–AD91) received on May 25, 2000; to the Committee on Finance.

EC–9331. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''SRLY Credits'' (RIN1545–AV88(TD8884)) received on May 24, 2000; to the Committee on Finance.

EC–9332. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–26 Interest Netting for Interest Accruing On Or After October 1, 1998'' (RIN:Rev. Proc. 2000–26) received on May 24, 2000; to the Committee on Finance.

EC–9333. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–29 BLS–LIFO Department Stores Indexes-April 2000'' (RIN:Rev. Rul. 2000–29) received on May 24, 2000; to the Committee on Finance.

EC–9334. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–30 Quarterly Interest Rates-Third Quarter 2000'' (RIN:Rev. Rul. 2000–30) received on June 5, 2000; to the Committee on Finance.

EC–9335. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Guidance On Cash Or Deferred Arrangements'' (RIN:Notice 2000–30) received on June 5, 2000; to the Committee on Finance.

EC–9336. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2000–28 Coal Exports'' (RIN:OGI–103631–99) received on June 6, 2000; to the Committee on Finance.

EC–9337. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''The Soley For Voting Stock Requirement In Certain Corporate Reorganizations'' (RIN1545–AW55(TD8885)) received on June 6, 2000; to the Committee on Finance.

EC–9338. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Guidance On Cash Or Deferred Arrangements'' (RIN:Notice 2000–32) received on June 7, 2000; to the Committee on Finance.

EC–9339. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD8887:Deposits Of Excise Tax'' (RIN1545–AV02) received on June 7, 2000; to the Committee on Finance.

EC–9340. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Use Of Actuarial Tables In Valuing Annuities, Interests For Life Or Terms Of Years, and Remainder Or Reversionary Interests'' (RIN1545–AX07(TD8886)) received on June 9, 2000; to the Committee on Finance.

EC–9341. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Remedial Amendment Period'' (RIN:Rev. Proc. 2000–27) received on June 9, 2000; to the Committee on Finance.

EC–9342. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters'' (RIN1545–AU96(TD8888)) received on June 14, 2000; to the Committee on Finance.

EC–9343. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''July 2000 Applicable Federal Rates'' (RIN:Revenue Ruling 2000–32) received on June 19, 2000; to the Committee on Finance.

EC–9344. A communication from the Social Security Regulations Officer, transmitting, pursuant to law, the report of a rule entitled ''Reduction of Title II Benefits Under the Family Maximum Provisions in Cases of Dual Entitlement'' (RIN0960–AE85) received on June 16, 2000; to the Committee on Finance.

EC–9345. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of a notice of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC–9346. A communication from the General Counsel of the Department of Treasury, transmitting, a report entitled ''General Counterdrug Intelligence Plan''; to the Select Committee on Intelligence.

EC–9347. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on June 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–9348. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''The Federal Employees Student Loan Repayment Benefit Amendments Act of 2000''; to the Committee on Governmental Affairs.

EC–9349. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–9350. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–9351. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Assets Control Regulations (amendments)'' (31 CFR Part 500) received on June 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9352. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, ''Expansion of License Exception CIV Eligibility for ''Microprocessors'' Controlled by ECCN3A001 and Graphics Accelerators Controlled by ECCN 4A003'' (RIN0694–AB90) received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9353. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled, ''Easing of Export Restrictions on North Korea'' (RIN0694–ACI0) received on June 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9354. A communication from the Assistant Secretary of Policy, Management and Budget, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Administrative and Audit Requirements and Cost Principles for Assistance Programs'' (RIN1090–AA67) received on June 12, 2000; to the Committee on Energy and Natural Resources.

EC–9355. A communication from the Management Analyst, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority'' (RIN1018–AD68) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC–9356. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Production Measurement Document Incorporated by Reference'' (RIN1010–AC–73) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9357. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''National Park System Units in Alaska; Denali National Park and Preserve'' (RIN1024–AC58) received on June 8, 2000; to the Committee on Energy and Natural Resources.

EC–9358. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (RIN:IN–149–FOR) received on May 31, 2000; to the Committee on Energy and Natural Resources.

EC–9359. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (RIN:SPATS No. AL–070–FOR) received on June 2, 2000; to the Committee on Energy and Natural Resources.

EC–9360. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (RIN:SPATS No. AL–069–FOR) received on June 19, 2000; to the Committee on Energy and Natural Resources.

EC–9361. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Authorized Subcontract for Use by DOE Management and Operating (M&O) Contractors with New Independent States' Scientific Institutes through the Science and Technology Center in Ukraine'' (RIN:AL–2000–05); to the Committee on Energy and Natural Resources.

EC–9362. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Greening the Government Requirements in Contracting'' (RIN:AL–2000–03) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9363. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Administrative Class Deviation, 952.247–70, Foreign Travel, and 970.5204–52, Foreign Travel'' (RIN:AL–2000–04) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9364. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Chapter 9, Public Key Cryptography and Key Management'' (RIN:DOE M 200.1–1) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9365. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Standardization of Firearms'' (RIN:DOE N 473.2) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9366. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Security and Emergency Management Independent Oversight and Performance Assurance Program'' (RIN:DOE O 470.2A) received on June 5, 2000; to the Committee on Energy and Natural Resources.

EC–9367. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Stabilization, Packaging, and Storage of Plutonium-bearing Materials'' (RIN:DOE–STD–3013–99) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC–9368. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Content of System Design Descriptions'' (RIN:DOE–STD–3024–98) received on June 14, 2000; to the Committee on Energy and Natural Resources.

EC–9369. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Petroleum-Equivalent Fuel Economy Calculation'' (RIN:1904–AA40) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9370. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for Shift Routines and Operating Practices'' (RIN:DOE–STD–1041–93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9371. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for Communications'' (RIN:DOE–STD–1031–92) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9372. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Standard; Guide to Good Practices for

Control of On-shift Training'' (RIN:DOE–STD–1040–93) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9373. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Specifications; Uninterruptible Power Supply (UPS) Systems'' (RIN:DOE–SPEC–3021–97) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9374. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Forms Management Guide'' (RIN:DOE G 242.1–1) received on June 16, 2000; to the Committee on Energy and Natural Resources.

EC–9375. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Department of Energy Badges'' (RIN:DOE N 473.4) received on June 16, 2000; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GORTON, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4578: A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–312).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 3051: A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–311).

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. KERRY (for himself and Ms. COLLINS):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the medicare program; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr. ABRAHAM):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the medicare-dependent, small rural hospital program; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. ROBB, Mr. DURBIN, Mr. KOHL, Mr. SCHUMER, and Mr. CLELAND):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvements; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2770. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Finance.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

By Mr. SCHUMER:

S. 2772. A bill to amend the securities laws to provide for regulatory parity for single stock futures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. CRAIG, and Mr. KOHL):

S. 2773. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, Mr. GRASSLEY, Mr. THOMPSON, Mr. ROBB, and Mr. THOMAS):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. VOINOVICH, Mr. BREAUX, Mr. GRAHAM, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, and Mr. THOMAS):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. DEWINE, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, and Mr. FEINGOLD):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KOHL, Mr. HUTCHINSON, Mr. TORRICELLI, and Mr. KERRY):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRYAN:

S. Res. 326. A resolution designating the Cowboy Poetry Gathering in Elko, Nevada, as the ''National Cowboy Poetry Gathering''; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. Res. 327. A resolution expressing the sense of the Senate on United States efforts to encourage the governments of foreign countries to investigate and prosecute crimes committed in those countries in the name of family honor and to provide relief for victims of those crimes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. COLLINS):

S. 2766. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

THE EQUAL ACCESS TO HOME HEALTH CARE ACT OF 2000

• Mr. KERRY. Mr. President, I am pleased to join my colleague Senator COLLINS in introducing the Equal Access to Medicare Home Health Care Act. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care.

Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries, regardless of where they live, should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget

Office, CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 500,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of $164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, thousands of home health care agencies incurred overpayments because they were not notified of their per beneficiary limits until long after the limits were imposed. The provisions of this bill would extend the repayment period for IPS overpayments without interest for three years, and thereafter at an interest rate lower than currently mandated.

Under IPS, even agencies which did not incur overpayments were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of all home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The BBA specified that, in aggregate, PPS payments to home health providers must equal IPS payments. This adjustment—the budget neutrality factor—is expected to reduce PPS payments for home health services by 22 percent below the average Medicare costs prior to enactment of the BBA. In order to provide relief to home health providers in this budget neutral context, the Equal Access to Medicare Home Health Care Act would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a ''reasonable cost'' add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in our medically underserved communities continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.●

By Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr. ABRAHAM):

S. 2767. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

CB RADIO INTERFERENCE LEGISLATION

● Mr. FEINGOLD. Mr. President, I am pleased to once again introduce a bill to deal with the all too common problem of interference with residential home electronic equipment caused by unlawful use of citizens band, or CB, radios. This is the third Congress in which I have offered this legislation. In 1998, it was nearly enacted as part of an anti-slamming bill. I hope that this year, we can finally put this common sense bill into law.

The problem of CB radio interference can be extremely distressing for residents who cannot have a telephone conversation, watch television, or listen to the radio without being interrupted by a neighbor's illegal use of a CB radio. Unfortunately, under the current law, those residents have little recourse. The bill I am introducing today will provide those residents with a practical solution to this problem.

Until recently, the FCC enforced its rules outlining what equipment may or may not be used for CB radio transmissions, how long transmissions may be broadcast, what channels may be used, as well as many other technical requirements. The FCC also used to investigate neighbor's complaints that a CB radio enthusiast's transmissions interfered with their use of home electronic and telephone equipment. The FCC receives thousands of such complaints annually.

For the past five years, I have worked on behalf of constituents bothered by persistent interference of nearby CB radio transmissions, in some cases caused by unlawful use of radio equipment. In each case, the constituents have sought my help in securing an FCC investigation of the complaint. And in each case, the FCC indicated that due to a lack of resources, they no longer investigate radio frequency interference complaints. Instead of investigation and enforcement, the FCC only provides self-help information which the consumer may use to limit the interference on their own.

This situation is understandable given the rising number of complaints for things like slamming. The resources of the FCC are limited, and there is only so much they can do to address complaints of radio interference.

Nonetheless, this problem is extremely annoying and frustrating to those who experience radio interference. Many residents implement the self-help measures recommended by FCC such as installing filtering devices to prevent the unwanted interference, working with their telephone company, or attempting to work with the neighbor they believe is causing the interference. In many cases these self-help measures are effective.

However, in some cases filters and other technical solutions fail to solve the problem because the interference is caused by the unlawful use of CB radio equipment such as unauthorized linear amplifiers.

Municipal residents, after being denied an investigation or enforcement from the FCC, frequently contact their city or town government and ask them to police the interference. However, the Communications Act of 1934 provides exclusive authority to the Federal Government for the regulation of radio. This preempts municipal ordinances or State laws that regulate radio frequency interference caused by unlawful use of CB radio equipment. This situation creates an interesting dilemma for municipal governments. They can neither pass their own ordinances to control CB radio interference, nor can they rely on the agency with exclusive jurisdiction over interference to enforce the very Federal law which preempts them.

Let me give an example of the kind of frustrations people have experienced

in attempting to deal with these problems. Shannon Ladwig, a resident of Beloit, WI is fighting to end CB interference with her home electronic equipment that has plagued her family for many years. Shannon worked within the existing system by asking for an FCC investigation, installing filtering equipment on her telephone, attempting to work with the neighbor causing the interference, and so on. Nothing has been effective.

Here are some of the annoyances Shannon has experienced. Her answering machine picks up calls for which there is no audible ring, and at times records ghost messages. Often, she cannot get a dial tone when she or her family members wish to place an outgoing call. During telephone conversations, the content of the nearby CB transmission can frequently be heard and on occasion, her phone conversations are inexplicably cut off. Ms. Ladwig's TV transmits audio from the CB transmission rather than the television program her family is watching. Shannon never knows if the TV program she taped with her VCR will actually record the intended program or whether it will contain profanity from nearby CB radio conversation.

Shannon did everything she could to solve the problem and years later she still feels like a prisoner in her home, unable to escape the broadcasting whims of a CB operator using illegal equipment with impunity. Shannon even went to her city council to demand action. The Beloit City Council responded by passing an ordinance allowing local law enforcement to enforce FCC regulations—an ordinance the council knows is preempted by Federal law. The bill I am introducing today would allow Beloit's ordinance to stand.

The problems experienced by Beloit residents are by no means isolated incidents. I have received very similar complaints from at least 10 other Wisconsin communities in the last several years in which whole neighborhoods are experiencing persistent radio frequency interference. Since I have begun working on this issue, my staff has also been contacted by a number of other congressional offices who are also looking for a solution to the problem of radio frequency interference in their States or districts caused by unlawful CB use. The city of Grand Rapids, Michigan, in particular, has contacted me about this legislation because they face a persistent interference problem very similar to that in Beloit. I am pleased that Senators LEVIN and ABRAHAM join me today in cosponsoring this legislation.

In all, the FCC receives more than 30,000 radio frequency interference complaints annually—most of which are caused by CB radios. Unfortunately, the FCC no longer has the staff, resources, or the field capability to investigate these complaints and localities are blocked from exercising any jurisdiction to provide relief to their residents.

My bill resolves this Catch-22, by allowing states and localities to enforce statutes or ordinances prohibiting selected violations of the FCC regulations. This gives local law enforcement the ability to enforce existing FCC regulations regarding unauthorized CB equipment and frequencies while maintaining exclusive Federal jurisdiction over the regulation of radio services. It is a commonsense solution to a very frustrating and real problem which cannot be addressed under existing law. Residents should not be held hostage to a Federal law which purports to protect them but cannot be enforced.

Now this amendment is by no means a panacea for the problem of radio frequency interference. It is intended only to help localities solve the most egregious and persistent problems of interference—those caused by unauthorized use of CB radio equipment and frequencies. In cases where interference is caused by the legal and licensed operation of any radio service, residents will need to resolve the interference using the FCC self-help measures that I mentioned earlier.

In many cases, interference can result from inadequate home electronic equipment immunity from radio frequency interference. Those problems can only be resolved by installing filtering equipment and by improving the manufacturing standards of home telecommunications equipment.

The electronic equipment manufacturing industry, represented by the Telecommunications Industry Association and the Electronics Industry Association, working with the Federal Communications Commission, has adopted voluntary standards to improve the immunity of telephones from interference. Those standards were adopted by the American National Standards Institute last year. Manufacturers of electronic equipment should be encouraged to adopt these new ANSI standards. Consumers have a right to expect that the telephones they purchase will operate as expected without excessive levels of interference from legal radio transmissions. Of course, Mr. President, these standards assume legal operation of radio equipment and cannot protect residents from interference from illegal operation of CB equipment.

This bill also does not address interference caused by other radio services, such as commercial stations or amateur stations. I have worked with the American Radio Relay League (ARRL), an organization representing amateur radio operators, frequently referred to as ''ham'' operators, to address a number of concerns that they raised about the original versions of my bill. ARRL was concerned that while the bill was intended to cover only illegal use of CB equipment, FCC-licensed amateur radio operators might inadvertently be targeted and prosecuted by local government and law enforcement. ARRL also expressed concern that local law enforcement might not have the technical abilities to distinguish between ham stations and CB stations and might not be able to determine what CB equipment was FCC-authorized and what equipment is illegal.

I have worked with the ARRL and amateur operators from Wisconsin to address these concerns. As a result of those discussions, this amendment incorporates a number of provisions suggested by the league. First, the amendment makes clear that the limited authority provided to localities in no way diminishes or affects the FCC's exclusive jurisdiction over the regulation of radio.

Second, the amendment clarifies that possession of a FCC license to operate a radio service for the operation at issue, such as an amateur station, is a complete protection against any local government action authorized by this amendment. Unlike CB operators, amateur radio enthusiasts are not only individually licensed by the FCC but they also self-regulate. The ARRL is very involved in resolving interference concerns both among their own members and between ham operators and residents experiencing problems.

Third, the bill also provides for a FCC appeal process by any radio operator who is adversely affected by a local government action under this amendment. The FCC will make determinations as to whether the locality acted properly within the limited jursidiction this legislation provides and the FCC will have the power to reverse the action if they acted improperly. And fourth, my legislation requires the FCC to provide States and localities with technical guidance on how to determine whether a CB operator is acting within the law.

In addition, the bill has been modified to address concerns raised by truckers, who feared that local law enforcement would use reports of CB interference to indiscriminately stop and search trucks in the area. The bill now provides specifically that local governments may not seek to enforce the FCC regulations with respect to a CB radio on board a commercial motor vehicle unless there is probable cause to believe that someone in the vehicle is operating a CB radio in violation of the regulations. This provision should ensure that this new authority is not used as a pretext to harass truckers.

Again, Mr. President, my bill is narrowly targeted to resolve persistent interference with home electronic equipment caused by illegal CB operation. Under my bill, localities cannot establish their own regulations on CB use outside of the already existing FCC

regulations. This bill will not resolve all interference problems and it is not intended to do so. Some interference problems require continued attentions from the FCC, the telecommunications manufacturing industry, and radio service operators. This bill merely provides localities with the tools they need to protect their residents while preserving the FCC's exclusive regulatory jurisdiction over the regulation of radio services.

I ask that the full text of the bill be printed in the RECORD.

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

S. 2767

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

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle,' as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).''.●

● Mr. LEVIN. Mr. President, I am pleased to cosponsor legislation being introduced today by my friend from Wisconsin to address a problem that is unique to certain areas of Wisconsin and Michigan.

In the Cities of Grand Rapids and Battle Creek, Michigan and in several Wisconsin communities, certain individual Citizens Band (CB) radio operators are using illegal equipment of a capacity which interferes with the home electronic equipment and telephone service of their neighbors.

As a result, these neighbors are forced to buy filters in order to screen out the interference, and in some cases the interference is so extreme that the filters don't even work. There have also been complaints that some of these ''illegal'' CB broadcasters are using profanity which is disturbing to the neighbors and interfering with legitimate use of CB radios by truckers and others.

The problem is exacerbated by a lack of Federal resources to stop the problem. In recent years, due to budget and staffing cuts, the FCC has decreased its enforcement efforts. The legislation being introduced today would authorize local jurisdictions to enforce the FCC regulations regarding use of citizens band radio equipment, while maintaining the FCC jurisdiction over the regulation of radio services.

The bill provides for an FCC appeal process available to any person who believes they are adversely affected by local enforcement action. FCC does not object to this approach or to this legislation.

Mr. President, this legislation offers a simple solution to the inability of the FCC, due to insufficient resources, to put a stop to illegal CB equipment use in parts of Michigan and Wisconsin. The legislation would allow local officials, who are more familiar with the specific problems and complaints in their areas of jurisdiction, to be authorized to enforce FCC regulations regarding the use of CB radio equipment. The legislation has the strong support of local government officials in the Michigan communities where CB interference occurs.

An identical bill has been introduced in the House of Representatives. I hope this legislation will be enacted in an expedited manner so that local officials will have the ability to stop the use of illegal CB equipment that is interfering with legitimate CB use and disturbing citizens of the impacted communities.●

By Ms. COLLINS:

S. 2768. A bill to amend title XVIII of the Social Security Act to improve the Medicare-dependent, small rural hospital program; to the Committee on Finance.

SMALL RURAL HOSPITAL PROGRAM IMPROVEMENT ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Small Rural Hospital Program Improvement Act, which is intended to make critically important changes to Medicare payment policies for rural hospitals.

Mr. President, most hospitals in rural America serve a large number of Medicare patients. Medicare payments to these hospitals, however, are not always adequate to cover the cost of the services they provide. The legislation I am introducing today will increase Medicare payments to small, rural hospitals in Maine and elsewhere by enabling more of them to qualify for enhanced reimbursements under the Medicare Dependent, Small Rural Hospital Program.

Rural hospitals are the anchors of small towns and communities across America. Not only are they the mainstay of the local health care delivery system, but they are also often the major employers in their communities. Rural communities have unique characteristics and special needs, and their hospitals face tremendous challenges every day as they work to provide the highest quality health care to their patients in the face of sometimes discouraging odds.

Rural communities tend to have higher concentrations of elderly persons and higher levels of poverty. Rural residents also tend to have higher rates of certain health problems than people living in urban areas. For example, deaths and disabilities resulting from injury are more common, and rural residents also tend to experience higher rates of chronic disease and disability. Rural providers also face unique challenges in the delivery of health care services, given the great distances and extreme weather conditions that often prevail, particularly in states like Maine. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. And finally, Medicare reimbursement policies tend to favor urban areas and fail to take the special needs of rural providers into account.

The Balanced Budget Act of 1997 has posed additional challenges for rural

areas. Deep Medicare payment reductions and mounting regulatory requirements have damaged our fragile rural health care delivery system, and, in particular, our rural hospitals and home health agencies. While the Balanced Budget Refinement Act of 1999 did provide some much-needed relief, we should take further steps to ensure that these rural providers receive more equitable Medicare payments.

One relatively simple, but nevertheless important step we can take is to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under the Medicare Dependent, Small Rural Hospital program. Under this program, small rural hospitals that treat relatively high proportions of Medicare patients qualify for enhanced Medicare reimbursements. To qualify as a Medicare Dependent Hospital, a hospital must be located in a rural area, not be a sole community hospital, have 100 or fewer beds, and have been dependent on Medicare for at least 60 percent of its inpatient days or discharges in 1987.

The requirement that the hospital must have had at least 60 percent of its hospital discharges or patient days attributable to Medicare beneficiaries in 1987 is what creates the problem. Using 1987 as a base year erects an arbitrary barrier that prevents many small rural hospitals that otherwise meet the criteria from participating in this program. As an example, despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one.

The legislation I am introducing today modifies and updates the 60 percent requirement and bases eligibility for the Medicare Dependent, Small Rural Hospital program on Medicare discharges or patient days during any of the three most recently audited cost report periods rather than fiscal year 1987. In addition, the bill would make the program, which currently is only authorized through FY 2006, permanent. According to the Maine Hospital Association, if updated in this way, nine Maine hospitals will be eligible for the program, which would make them eligible for over $9 million additional Medicare dollars.

Increasing Medicare payment rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. For example, while hospitals in some states received more from Medicare in 1996 than it cost them to provide care to older and disabled Medicare patients, Maine's hospitals were only reimbursed 80 cents for every $1.00 they actually spent caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation.

Maine's poor Medicare margin is not due to high hospital costs. In fact, the current system tends to penalize Maine hospitals for their efficiency. For example, at $5,232, Maine's cost per discharge is slightly under the national average of $5,241, and is well below the Northeast average of $5,517.

The legislation I am introducing today will not solve Maine's Medicare shortfall problem, but it will help to close the gap. It will also enable many more small rural hospitals across the country to benefit from this program, which will help to ensure continued access to high quality hospital care for all rural Americans.

By LEAHY (for himself, Mr. HATCH, Mr. ROBB, Mr. DURBIN, Mr. KOHL, Mr. SCHUMER, and Mr. CLELAND):

S. 2769. A bill to authorize funding for National Instant Criminal Background Check System improvement; to the Committee on the Judiciary.

NICS PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I am pleased to introduce the legislation to improve the National Instant Criminal Background Check System, NICS. The NICS Partnership Act authorizes the Department of Justice to reimburse states for serving as points of contact under the NICS. Our legislation also requires the Attorney General to issue a report to Congress on the appropriate formula to reimburse states for their reasonable costs to serve as points of contact for access to the NICS. I am pleased that Senators HATCH, ROBB, DURBIN, KOHL, SCHUMER, and CLELAND are original cosponsors of this bipartisan bill.

The Brady Handgun Violence Prevention Act of 1994 established the NICS and required federal firearm licensees to conduct a background check on the purchaser of any firearm sale after November 30, 1998. In its first 18 months of operation, the NICS has been a highly effective system for keeping guns out of the hands of criminals and children. Having processed 10 million inquires during this time, the NICS has ensured the timely transfer of firearms to law-abiding citizens, while denying transfers to more than 179,000 felons, fugitives and other prohibited persons. That is a remarkable record in preventing crime and protecting public safety.

This success, however, has come at an unfair cost to many states. The NICS is mandated by Federal law, the Brady Act, but many states are picking up the tab for conducting effective Brady background checks. Congress should remedy this inequity. Effective Brady background checks are the responsibility of the Federal government under Federal law. As a result, it is only fair for Congress to reimburse states for their reasonable costs needed to conduct effective Brady background checks.

Because more comprehensive criminal history records are currently available at the state and local level in many states, instead of the Federal level, these states have elected to serve as points of contact (POCs) to access the NICS. A state POC is a state agency that agrees to conduct Brady background checks, including NICS checks, on prospective gun buyers. In states that have agreed to serve as POCs, federal firearm licensees contact the state POC for a Brady background check rather than contacting the Federal Bureau of Investigation (FBI). These POC background checks review more records of people in prohibited categories, such as people who have been involuntarily committed to a mental institution or are under a domestic violence restraining order.

Indeed, in my home state of Vermont, for example, which serves as a POC, approximately 28 percent of all denials of prohibited persons seeking firearm purchases are based on state charges which would not have been available for review at the FBI's criminal record repository. These purchasers were denied because a relief from abuse order had been issued against them, they had been convicted of a misdemeanor crime of family violence, they were wanted in the State of Vermont, or they had been convicted of a felony in Vermont and not fingerprinted. These results demonstrate the value of having the states act as POCs for NICS.

Currently, the following 15 states serve as a full POC for NICS: Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Nevada, New Jersey, Pennsylvania, Tennessee, Utah, Vermont and Virginia. Another 11 states serve as partial POCs for NICS by performing checks for handgun purchases while the FBI processes checks for long gun purchases: Iowa, Michigan, Nebraska, New York, North Carolina, Indiana, Maryland, New Hampshire, Oregon, Washington, and Wisconsin. Thus, more than half the states serve as full or partial POCs under the NICS.

In fact, of the 8,621,000 background checks conducted last year, 4,538,000 were handled by the FBI and 4,083,000—almost half—were handled by state POCs. So while some states relied on the FBI to conduct Brady background checks and paid nothing, the states that elected to conduct more effective background checks paid the full cost of them. That is unfair to states that are doing the right thing.

The State of Vermont, for instance, pays about $110,000 a year for its POC system to run effective Brady background checks on all firearms purchased through federal firearms licensees. In other POC states, the burden is higher on state legislatures to come up with funding sources to pay for effective Brady background checks.

Indeed, the Governor of Florida, Jeb Bush, wrote to me last year in strong support of Federal funding to pay for the costs of Brady background checks performed by POC states. Governor Bush empathized that Florida's POC background checks were more efficient and effective than background checks performed at the Federal level. Governor Bush concluded in his letter that: ''Without this funding, it is unlikely that state legislatures will continue the state programs—the inequities of charging for the service in some states but getting free service in others are too obvious.'' I agree. I ask unanimous consent that Governor Bush's letter be printed in the RECORD at the conclusion of my remarks.

The FBI, in its first operations report on the NICS, recommend that states should be compensated for their costs necessary to serve as POCs. Specifically, the FBI's report found: ''Based on its first year of operation, it is clear that the ability of the NICS to stop prohibited persons from acquiring firearms would be improved by . . . a means to help states with the cost of performing as a POC state. . . .''

A recent General Accounting Office report on the implementation of the NICS also praised the POC state background check system. The GAO report found: ''According to the FBI, the functioning of the NICS would be more effective and efficient if more states were full participants. For instance, FBI officials noted that state law enforcement agencies have access to more current criminal history records and more data sources, particularly regarding noncriminal disqualifiers, such as mental hospital commitments, from their own states than does the FBI, and have a better understanding of their own state laws and disqualifying factors.''

Similar legislation to reimburse POC states under the NICS was part of the Senate-passed Juvenile Justice bill, which has been languishing in conference for many months. I prefer that we address this issue as part of the juvenile justice legislation by convening the juvenile justice conference and finishing the work we started last May when the Senate passed the Hatch-Leahy juvenile justice bill by a strong bipartisan vote. But since the congressional leadership appears unlikely to reconvene the juvenile justice conference, then we should consider these improvements to the NICS now to protect public safety.

Indeed, the Department of Justice, in comments on the Senate-passed juvenile justice bill, stated: ''Reimbursing the point-of-contact states for doing NICS checks could be critical to retaining their participation, because they have a strong disincentive to preform checks that the FBI is providing to gun dealers and buyers free of charge. We believe it is very important to retain point-of-contact states and increase their number, because states have access to state records that are not available to the FBI and states have the expertise to interpret their own records and local laws.''

Mr. President, states are doing the right thing by serving as points of contact under the NICS for more effective background checks, which are mandated by Federal law. These background checks prevent crime and promote the public safety. Congress should do the right thing by reimbursing these states for their reasonable costs for conducting these point of conduct background checks.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2769

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 ''NICS Partnership Act of 2000''.

SEC. 2. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) AUTHORIZATION FOR REIMBURSEMENT TO STATES SERVING AS POINTS OF CONTACT.—There are authorized to be appropriated $40,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, and $60,000,000 for fiscal year 2003, to the Department of Justice to directly reimburse States for the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

(b) REPORT ON REIMBURSEMENT FORMULA FOR STATES SERVING AS POINTS OF CONTACT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the appropriate formula for the direct reimbursement to States of the reasonable costs necessary to serve as points of contact for access to the National Instant Criminal Background Check System established under Public Law 103–159.

By Mr. CLELAND:

S. 2771. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Indian Affairs.

THE LOWER MUSCOGEE-CREEK INDIAN TRIBE OF GEORGIA RECOGNITION ACT

• Mr. CLELAND. Mr President, today I am introducing legislation which will provide for the Federal recognition of the Lower Muskogee-Creek Indian Tribe of Georgia.

I realize that Congress has traditionally deferred to the Secretary of the Interior on matters relating to tribal recognition. Further, while it is within our jurisdiction, I understand that there is a reluctance in Congress to federally recognize Indian tribes through legislation. I would certainly prefer to settle this particular recognition issue in accordance with the practices and procedures established by the Bureau of Indian Affairs. However, I am compelled to introduce this legislation because I believe there has been a fundamental flaw which, in this case, has prevented the Lower Muskogee tribe from obtaining a fair and equitable review of its recognition request. Mr. President, please allow me to elaborate on this statement.

It is my understanding that once a petition has been denied, the rules prohibit a tribe from petitioning the Secretary of the Interior a second time. While the intent of the rule may be to eliminate redundant and frivolous petitions, I believe there are times when we must make an exception. Further, Mr. President, I would contend that this rule is especially unfair to those tribes who petitioned the Agency prior to the finalization of the rules in 1978. This is the case with respect to the Lower Muskogee tribe in my home State of Georgia.

The Lower Muskogee tribe has tried for over two decades to obtain a favorable review of their status as a tribe. In 1977, members of the tribe petitioned the Secretary of the Interior for recognition. Without the assistance of legal counsel or technical support, the tribe submitted their petition. While the petition was pending, the Department of Interior (DOI) proposed and finalized rules relating to the procedures by which tribes may petition for federal recognition. In December 1981, the tribe's petition was denied due to technical omissions.

I understand that there are serious concerns associated with the federal recognition of tribes by an Act of Congress—the most obvious being the perception that establishment of a gaming facility may soon follow. However, members of the Lower Muskogee tribe are not seeking to open casinos in Georgia. In fact, at the request of the tribe's Principal Chief, I have included language in the bill to prohibit such action. Under my bill, federal recognition of the Lower Muskogee tribe will not permit casinos or any other games of chance. It will simply recognize these well-deserving people as an Indian tribe, and allow their participation in programs which should be available to them as legitimate Native Americans.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this legislation.

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

S. 2771

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 ''Lower Muscogee-Creek Indian Tribe of Georgia Recognition Act''.

SEC. 2. FINDINGS.

The Congress declares and finds the following:

(1) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants of and political successors to those Indians known as the original Creek Indian Nation at the time of initial European contact with America.

(2) The Lower Muscogee-Creek Indian Tribe of Georgia are descendants and political successors to the signatories of the 1832 Treaty of Washington which was a treaty made while the Creeks were one nation, before removal. The Treaty involved all Creeks, including the Upper, Middle, and Lower Creeks, when the Creek Nation was whole and intact.

(3) The Lower Muscogee-Creek Indian Tribe of Georgia consists of over 2,500 eligible members, most of whom continue to reside close to their ancestral homeland within the State of Georgia. Pursuant to Article XII of the 1832 Treaty of Washington, the Lower Muscogee-Creek Indian Tribe of Georgia declined to be removed and continued to operate as a sovereign Indian tribe comprising those Lower Creeks declining removal under the Treaty of 1832.

(4) The Lower Muscogee-Creek Indian Tribe of Georgia continues its political and social existence with a viable tribal government carrying out many of its governmental functions through its traditional form of collective decisionmaking and social interaction.

(5) In 1972, when the Lower Muscogee-Creek Indian Tribe of Georgia (also known as the Muscogee-Creek Indian Tribe East of the Mississippi River) petitioned the Bureau of Indian Affairs for Federal recognition, the tribal leaders were not well educated and the Tribe could not afford competent counsel adequately versed in Federal Indian law. The Tribe was unable to obtain technical assistance in its petition which consequently lacked critical and pertinent historical information necessary for recognition. Thus, due to technical omissions, the petition was denied on December 21, 1981.

(6) Despite the denial of the petition, the United States Government, the government of the State of Georgia, and local governments, have recognized the political leaders of the Lower Muscogee-Creek Indian Tribe of Georgia as leaders of a distinct political governmental entity.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMBER.—The term ''member'' means an enrolled member of the Tribe, as of the date of enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBE.—The term ''Tribe'' means the Lower Muscogee-Creek Indian Tribe of Georgia.

SEC. 4. FEDERAL RECOGNITION.

(a) IN GENERAL.—Federal recognition is hereby extended to the Tribe. All laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) FEDERAL BENEFITS AND SERVICES.—The Tribe and its members shall be eligible, on or after the date of enactment of this Act, for all Federal benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians without regard to the existence of a reservation for the Tribe or the residence of any member on or near an Indian reservation.

(c) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall be applicable to the Tribe and its members.

SEC. 5. RESERVATION.

(a) LANDS TAKEN INTO TRUST.—Notwithstanding any other provision of law, if, not later than 2 years after the date of enactment of this Act, the Tribe transfers interest in land within the boundaries of Grady County, Carroll County, and such other counties in the State of Georgia to the Secretary, the Secretary shall take such interests in land into trust for the benefit of the Tribe.

(b) RESERVATION ESTABLISHED.—Land taken into trust pursuant to subsection (a) shall be the initial reservation land of the Tribe.

(c) LIMITATION ON GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is prohibited on the land taken into trust under subsection (a).

SEC. 6. BASE MEMBERSHIP ROLL.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals who are members of the Tribe. The qualifications for inclusion in the membership roll of the Tribe shall be developed and based upon the membership provisions as contained in the Tribe's Constitution and Bill of Rights. Upon completion of the membership roll, the Secretary shall publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

(b) FUTURE MEMBERSHIP.—The Tribe shall have the right to determine future membership in the Tribe, however, in no event may an individual be enrolled as a member of the Tribe unless the individual is a lineal descendant of a person on the base membership roll, and has continued to maintain political relations with the Tribe.

SEC. 7. JURISDICTION.

The reservation established pursuant to this Act shall be Indian country under Federal and tribal jurisdiction.●

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, Mr. GRASSLEY, Mr. THOMPSON, Mr. ROBB, and Mr. THOMAS):

S. 2774. A bill to amend title II of the Social Security Act to provide for individual savings accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

THE BIPARTISAN SOCIAL SECURITY REFORM ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today in support of legislation to make technical corrections to the Bipartisan Social Security Reform bill my colleagues and I introduced last summer. The purpose of this legislation is simple: to conform our previous legislative language to changes that have been made in the Social Security program—such as eliminating the earnings limit—since last July; to correct some inadvertent errors we discovered; and to update our assumptions to reflect the new reality of the Trust Funds as reported in the 2000 Social Security and Medicare Trustees Report which came out earlier this year.

Since July 16, 1999 when Senators GREGG, KERREY, BREAUX, THOMPSON, THOMAS, and ROBB and I introduced our legislation to save Social Security, the issue has taken on new life, due to Governor Bush's willingness to make Social Security reform a primary issue in his presidential campaign. He should be commended for his leadership and for grabbing the third rail of American politics fearlessly in order to create a truly secure Social Security system so that future generations will be able to rely on Social Security like their parents and grandparents.

I want to urge my colleagues to take a serious look at our proposal to save Social Security. It was designed in a bipartisan, bicameral manner: four Republicans and three Democrats cosponsored the Bipartisan Social Security Reform Bill, and Congressmen KOLBE and STENHOLM sponsored similar legislation in the House of Representatives.

The bipartisan plan would maintain a basic floor of protection through a traditional Social Security benefit, but two percentage points of the 12.4 percent payroll tax would be redirected to individual accounts. Individuals could invest their personal accounts in any combination of the funds offered through the Social Security system. An individual who invested his or her personal account in a bond fund would receive a guaranteed interest rate. However, individuals who wish to pursue a higher rate of return through investment in a fund including equities could do so.

Our proposal would eliminate the need for future payroll tax increases by advance funding a portion of future benefits through personal accounts. With individual accounts, we provide Americans with the tools necessary to build financial independence in retirement—especially to those who previously had limited opportunities to create wealth. The legislation provides incentives for low and middle income working Americans to save additional funds for retirement by matching their voluntary contributions to their individual accounts. Under our plan, they will be able to save for retirement and benefit from economic growth.

As all the cosponsors have said a hundred times, our proposal offers no ''free lunch''. In order to save Social Security for future generations it must

be modernized. We have crafted a responsible plan to save Social Security for generations to come. By making incremental, steady changes to the Social Security system, we will be able to ensure the long-term solvency of the program.

With this technical corrections bill we have improved upon our original legislation and I urge my colleagues to support the bipartisan proposal to save Social Security.

Mr. President, I ask that the bill be printed in the RECORD.

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

S. 2774

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Social Security Reform Act of 2000.''

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL SAVINGS ACCOUNTS

Sec. 101. Individual savings accounts.
Sec. 102. Social security KidSave Accounts.
Sec. 103. Adjustments to primary insurance amounts under part A of title II of the Social Security Act.

TITLE II—SOCIAL SECURITY SYSTEM ADJUSTMENTS

Sec. 201. Adjustments to bend points in determining primary insurance amounts.
Sec. 202. Adjustment of widows' and widowers' insurance benefits.
Sec. 203. Elimination of earnings test for individuals who have attained early retirement age.
Sec. 204. Gradual increase in number of benefit computation years; use of all years in computation.
Sec. 205. Maintenance of benefit and contribution base.
Sec. 206. Reduction in the amount of certain transfers to Medicare Trust Fund.
Sec. 207. Actuarial adjustment for retirement.
Sec. 208. Improvements in process for cost-of-living adjustments.
Sec. 209. Modification of PIA factors to reflect changes in life expectancy.
Sec. 210. Mechanism for remedying unforeseen deterioration in social security solvency.

TITLE I—INDIVIDUAL SAVINGS ACCOUNTS

SEC. 101. INDIVIDUAL SAVINGS ACCOUNTS.

(a) ESTABLISHMENT AND MAINTENANCE OF INDIVIDUAL SAVINGS ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the following:

''PART A—INSURANCE BENEFITS'';

and

(2) by adding at the end the following:

''PART B—INDIVIDUAL SAVINGS ACCOUNTS

''INDIVIDUAL SAVINGS ACCOUNTS

''SEC. 251. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT IN ABSENCE OF KIDSAVE ACCOUNT.—Except as provided in subparagraph (B), the Commissioner of Social Security, within 30 days of the receipt of the first contribution received pursuant to subsection (b) with respect to an eligible individual, shall establish in the name of such individual an individual savings account. The individual savings account shall be identified to the account holder by means of the account holder's Social Security account number.

''(B) USE OF KIDSAVE ACCOUNT.—If a KidSave Account has been established in the name of an eligible individual under section 262(a) before the date of the first contribution received by the Commissioner pursuant to subsection (b) with respect to such individual, the Commissioner shall redesignate the KidSave Account as an individual savings account for such individual.

''(2) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this part, the term 'eligible individual' means any individual born after December 31, 1937.

''(b) CONTRIBUTIONS.—

''(1) AMOUNTS TRANSFERRED FROM THE TRUST FUND.—The Secretary of the Treasury shall transfer from the Federal Old-Age and Survivors Insurance Trust Fund, for crediting by the Commissioner of Social Security to an individual savings account of an eligible individual, an amount equal to the sum of any amount received by such Secretary on behalf of such individual under section 3101(a)(2) or 1401(a)(2) of the Internal Revenue Code of 1986.

''(2) OTHER CONTRIBUTIONS.—For provisions relating to additional contributions credited to individual savings accounts, see sections 531(c)(2) and 6402(l) of the Internal Revenue Code of 1986.

''(c) DESIGNATION OF INVESTMENT TYPE OF INDIVIDUAL SAVINGS ACCOUNT.—

''(1) DESIGNATION.—Each eligible individual who is employed or self-employed shall designate the investment type of individual savings account to which the contributions described in subsection (b) on behalf of such individual are to be credited.

''(2) FORM OF DESIGNATION.—The designation described in paragraph (1) shall be made in such manner and at such intervals as the Commissioner of Social Security may prescribe in order to ensure ease of administration and reductions in burdens on employers.

''(3) SPECIAL RULE FOR 2001.—Not later than January 1, 2001, any eligible individual that is employed or self-employed as of such date shall execute the designation required under paragraph (1).

''(4) DESIGNATION IN ABSENCE OF DESIGNATION BY ELIGIBLE INDIVIDUAL.—In any case in which no designation of the individual savings account is made, the Commissioner of Social Security shall make the designation of the individual savings account in accordance with regulations that take into account the competing objectives of maximizing returns on investments and minimizing the risk involved with such investments.

''(d) TREATMENT OF INCOMPETENT INDIVIDUALS.—Any designation under subsection (c)(1) to be made by an individual mentally incompetent or under other legal disability may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c)(1) which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

''DEFINITION OF INDIVIDUAL SAVINGS ACCOUNT; TREATMENT OF ACCOUNTS

''SEC. 252. (a) INDIVIDUAL SAVINGS ACCOUNT.—In this part, the term 'individual savings account' means any individual savings account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

''(b) TREATMENT OF ACCOUNT.—Except as otherwise provided in this part and in section 531 of the Internal Revenue Code of 1986, any individual savings account described in subsection (a) shall be treated in the same manner as an individual account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code.

''INDIVIDUAL SAVINGS ACCOUNT DISTRIBUTIONS

''SEC. 253. (a) DATE OF INITIAL DISTRIBUTION.—Except as provided in subsection (c), distributions may only be made from an individual savings account of an eligible individual on and after the earliest of—

''(1) the date the eligible individual attains normal retirement age, as determined under section 216 (or early retirement age (as so determined) if elected by such individual), or

''(2) the date on which funds in the eligible individual's individual savings account are sufficient to provide a monthly payment over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) which, when added to the eligible individual's monthly benefit under part A (if any), is at least equal to an amount equal to 1/12 of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2) and determined on such date for an individual) and adjusted annually thereafter by the adjustment determined under section 215(i).

''(b) FORMS OF DISTRIBUTION.—

''(1) REQUIRED MONTHLY PAYMENTS.—Except as provided in paragraph (2), beginning with the date determined under subsection (a), the balance in an individual savings account available to provide monthly payments not in excess of the amount described in subsection (a)(2) shall be paid, as elected by the account holder (in such form and manner as shall be prescribed in regulations of the Individual Savings Fund Board), by means of the purchase of annuities or equal monthly payments over the life expectancy of the eligible individual (determined under reasonable actuarial assumptions) in accordance with requirements (which shall be provided in regulations of the Board) similar to the requirements applicable to payments of benefits under subchapter III of chapter 84 of title 5, United States Code, and providing for indexing for inflation.

''(2) PAYMENT OF EXCESS FUNDS.—To the extent funds remain in an eligible individual's individual savings account after the application of paragraph (1), such funds shall be payable to the eligible individual in such

manner and in such amounts as determined by the eligible individual, subject to the provisions of subchapter III of chapter 84 of title 5, United States Code.

''(c) DISTRIBUTION IN THE EVENT OF DEATH BEFORE THE DATE OF INITIAL DISTRIBUTION.—If the eligible individual dies before the date determined under subsection (a), the balance in such individual's individual savings account shall be distributed in a lump sum, under rules established by the Individual Savings Fund Board, to the individual's heirs.

''INDIVIDUAL SAVINGS FUND

''SEC. 254. (a) ESTABLISHMENT.—There is established and maintained in the Treasury of the United States an Individual Savings Fund in the same manner as the Thrift Savings Fund under sections 8437, 8438, and 8439 (but not section 8440) of title 5, United States Code.

''(b) INDIVIDUAL SAVINGS FUND BOARD.—

''(1) IN GENERAL.—There is established and operated in the Social Security Administration an Individual Savings Fund Board in the same manner as the Federal Retirement Thrift Investment Board under subchapter VII of chapter 84 of title 5, United States Code.

''(2) SPECIFIC INVESTMENT AND REPORTING DUTIES.—

''(A) IN GENERAL.—The Individual Savings Fund Board shall manage and report on the activities of the Individual Savings Fund and the individual savings accounts of such Fund in the same manner as the Federal Retirement Thrift Investment Board manages and reports on the Thrift Savings Fund and the individual accounts of such Fund under subchapter VII of chapter 84 of title 5, United States Code.

''(B) STUDY AND REPORT ON INCREASED INVESTMENT OPTIONS.—

''(i) STUDY.—The Individual Savings Fund Board shall conduct a study regarding ways to increase an eligible individual's investment options with respect to such individual's individual savings account and with respect to rollovers or distributions from such account.

''(ii) REPORT.—Not later than 2 years after the date of enactment of the Bipartisan Social Security Reform Act of 2000, the Individual Savings Fund Board shall submit a report to the President and Congress that contains a detailed statement of the results of the study conducted pursuant to clause (i), together with the Board's recommendations for such legislative actions as the Board considers appropriate.

''BUDGETARY TREATMENT OF INDIVIDUAL SAVINGS FUND AND ACCOUNTS

''SEC. 255. The receipts and disbursements of the Individual Savings Fund and any accounts within such fund shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.''.

(b) MODIFICATION OF FICA RATES.—

(1) EMPLOYEES.—Section 3101(a) of the Internal Revenue Code of 1986 (relating to tax on employees) is amended to read as follows:

''(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

''(1) IN GENERAL.—

''(A) INDIVIDUALS COVERED UNDER PART A OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed on the income of every individual who is not a part B eligible individual a tax equal to 6.2 percent of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)).

''(B) INDIVIDUALS COVERED UNDER PART B OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual a tax equal to 4.2 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b)).

''(2) CONTRIBUTION OF OASDI TAX REDUCTION TO INDIVIDUAL SAVINGS ACCOUNTS.—

''(A) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of every part B eligible individual an individual savings account contribution equal to the sum of—

''(i) 2 percent of the wages (as so defined) received by such individual with respect to employment (as so defined), plus

''(ii) so much of such wages (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any calendar year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''.

(2) SELF-EMPLOYED.—Section 1401(a) of the Internal Revenue Code of 1986 (relating to tax on self-employment income) is amended to read as follows:

''(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—

''(1) IN GENERAL.—

''(A) INDIVIDUALS COVERED UNDER PART A OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual who is not a part B eligible individual for the calendar year ending with or during such taxable year, a tax equal to 12.40 percent of the amount of the self-employment income for such taxable year.

''(B) INDIVIDUALS COVERED UNDER PART B OF TITLE II OF THE SOCIAL SECURITY ACT.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every part B eligible individual, a tax equal to 10.4 percent of the amount of the self-employment income for such taxable year.

''(2) CONTRIBUTION OF OASDI TAX REDUCTION TO INDIVIDUAL SAVINGS ACCOUNTS.—

''(A) IN GENERAL.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every individual, an individual savings account contribution equal to the sum of—

''(i) 2 percent of the amount of the self-employment income for each individual for such taxable year, and

''(ii) so much of such self-employment income (not to exceed $2,000) as designated by the individual in the same manner as described in section 251(c) of the Social Security Act.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2001, the dollar amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''.

(3) PART B ELIGIBLE INDIVIDUAL.—

(A) TAXES ON EMPLOYEES.—Section 3121 of such Code (relating to definitions) is amended by inserting after subsection (s) the following:

''(t) PART B ELIGIBLE INDIVIDUAL.—For purposes of this chapter, the term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year.''.

(B) SELF-EMPLOYMENT TAX.—Section 1402 of such Code (relating to definitions) is amended by adding at the end the following:

''(k) PART B ELIGIBLE INDIVIDUAL.—The term 'part B eligible individual' means, for any calendar year, an individual who is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year.''.

(4) EFFECTIVE DATES.—

(A) EMPLOYEES.—The amendments made by paragraphs (1) and (3)(A) apply to remuneration paid after December 31, 2000.

(B) SELF-EMPLOYED INDIVIDUALS.—The amendments made by paragraphs (2) and (3)(B) apply to taxable years beginning after December 31, 2000.

(c) MATCHING CONTRIBUTIONS.—

(1) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following:

''Subpart H—Individual Savings Account Credits

''Sec. 54. Individual savings account credit.''.

''SEC. 54. INDIVIDUAL SAVINGS ACCOUNT CREDIT.

''(a) ALLOWANCE OF CREDIT.—Each part B eligible individual is entitled to a credit for the taxable year in an amount equal to the sum of—

''(1) $100, plus

''(2) 100 percent of the designated wages of such individual for the taxable year, plus

''(3) 100 percent of the designated self-employment income of such individual for the taxable year.

''(b) LIMITATIONS.—

''(1) AMOUNT.—The amount determined under subsection (a) with respect to such individual for any taxable year may not exceed the excess (if any) of—

''(A) an amount equal to 1 percent of the contribution and benefit base for such taxable year (as determined under section 230 of the Social Security Act), over

''(B) the sum of the amounts received by the Secretary on behalf of such individual under sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) for such taxable year.

''(2) FAILURE TO MAKE VOLUNTARY CONTRIBUTIONS.—In the case of a part B eligible individual with respect to whom the amount of wages designated under section 3101(a)(2)(A)(ii) plus the amount self-employment income designated under section 1401(a)(2)(A)(ii) for the taxable year is less that $1, the credit to which such individual is entitled under this section shall be equal to zero.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PART B ELIGIBLE INDIVIDUAL.—The term 'part B eligible individual' means, for any calendar year, an individual who—

''(A) is an eligible individual (as defined in section 251(a)(2) of the Social Security Act) for such calendar year, and

''(B) is not an individual with respect to whom another taxpayer is entitled to a deduction under section 151(c).

''(2) DESIGNATED WAGES.—The term 'designated wages' means with respect to any taxable year the amount designated under section 3101(a)(2)(A)(ii).

''(3) DESIGNATED SELF-EMPLOYMENT INCOME.—The term 'designated self-employment income' means with respect to any taxable year the amount designated under section 1401(a)(2)(A)(ii) for such taxable year.

''(d) CREDIT USED ONLY FOR INDIVIDUAL SAVINGS ACCOUNT.—For purposes of this title, the credit allowed under this section with respect to any part B eligible individual—

''(1) shall not be treated as a credit allowed under this part, but

''(2) shall be treated as an overpayment of tax under section 6401(b)(3) which may, in accordance with section 6402(l), only be transferred to an individual savings account established under part B of title II of the Social Security Act with respect to such individual.''.

(2) CONTRIBUTION OF CREDITED AMOUNTS TO INDIVIDUAL SAVINGS ACCOUNT.—

(A) CREDITED AMOUNTS TREATED AS OVERPAYMENT OF TAX.—Subsection (b) of section 6401 of such Code (relating to excessive credits) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CREDIT UNDER SECTION 54.—Subject to the provisions of section 6402(l), the amount of any credit allowed under section 54 for any taxable year shall be considered an overpayment.''.

(B) TRANSFER OF CREDIT AMOUNT TO INDIVIDUAL SAVINGS ACCOUNT.—Section 6402 of such Code (relating to authority to make credits or refunds) is amended by adding at the end the following:

''(l) OVERPAYMENTS ATTRIBUTABLE TO INDIVIDUAL SAVINGS ACCOUNT CREDIT.—In the case of any overpayment described in section 6401(b)(3) with respect to any individual, the Secretary shall transfer for crediting by the Commissioner of Social Security to the individual savings account of such individual, an amount equal to the amount of such overpayment.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end '', or enacted by the Bipartisan Social Security Reform Act of 2000''.

(B) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Subpart H. Individual Savings Account Credits.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable after December 31, 2000.

(d) TAX TREATMENT OF INDIVIDUAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following:

''PART IX—INDIVIDUAL SAVINGS FUND AND ACCOUNTS

''Sec. 531. Individual Savings Fund and Accounts.

''SEC. 531. INDIVIDUAL SAVINGS FUND AND ACCOUNTS.

''(a) GENERAL RULE.—The Individual Savings Fund and individual savings accounts shall be exempt from taxation under this subtitle.

''(b) INDIVIDUAL SAVINGS FUND AND ACCOUNTS DEFINED.—For purposes of this section, the terms 'Individual Savings Fund' and 'individual savings account' means the fund and account established under sections 254 and 251, respectively, of part B of title II of the Social Security Act.

''(c) CONTRIBUTIONS.—

''(1) IN GENERAL.—No deduction shall be allowed for contributions credited to an individual savings account under section 251 of the Social Security Act or section 6402(l).

''(2) ROLLOVER OF INHERITANCE.—Any portion of a distribution to an heir from an individual savings account made by reason of the death of the beneficiary of such account may be rolled over to the individual savings account of the heir after such death.

''(d) DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from an individual savings account under section 253 of the Social Security Act shall be included in gross income under section 72.

''(2) PERIOD IN WHICH DISTRIBUTIONS MUST BE MADE FROM ACCOUNT OF DECEDENT.—In the case of amounts remaining in an individual savings account from which distributions began before the death of the beneficiary, rules similar to the rules of section 401(a)(9)(B) shall apply to distributions of such remaining amounts.

''(3) ROLLOVERS.—Paragraph (1) shall not apply to amounts rolled over under subsection (c)(2) in a direct transfer by the Commissioner of Social Security, under regulations which the Commissioner shall prescribe.''.

(2) CLERICAL AMENDMENT.—The table of parts for subchapter F of chapter 1 of such Code is amended by adding after the item relating to part VIII the following:

''Part IX. Individual savings fund and accounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

SEC. 102. SOCIAL SECURITY KIDSAVE ACCOUNTS.

Title II of the Social Security Act (42 U.S.C. 401 et seq.), as amended by section 101(a), is amended by adding at the end the following:

''PART C—KIDSAVE ACCOUNTS

''KIDSAVE ACCOUNTS

''SEC. 261. (a) ESTABLISHMENT.—The Commissioner of Social Security shall establish in the name of each individual born on or after January 1, 1995, a KidSave Account upon the later of—

''(1) the date of enactment of this part, or

''(2) the date of the issuance of a Social Security account number under section 205(c)(2) to such individual.

The KidSave Account shall be identified to the account holder by means of the account holder's Social Security account number.

''(b) CONTRIBUTIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated and are appropriated such sums as are necessary in order for the Secretary of the Treasury to transfer from the general fund of the Treasury for crediting by the Commissioner to each account holder's KidSave Account under subsection (a), an amount equal to the sum of—

''(A) in the case of any individual born on or after January 1, 2001, $1,000, on the date of the establishment of such individual's KidSave Account, and

''(B) in the case of any individual born on or after January 1, 1995, $500, on the 1st, 2nd, 3rd, 4th, and 5th birthdays of such individual occurring on or after January 1, 2001.

''(2) ADJUSTMENT FOR INFLATION.—For any calendar year after 2001, each of the dollar amounts under paragraph (1) shall be increased by the cost-of-living adjustment using the wage increase percentage determined under section 215(i) for the calendar year.

''(c) DESIGNATIONS REGARDING KIDSAVE ACCOUNTS.—

''(1) INITIAL DESIGNATIONS OF INVESTMENT VEHICLE.—A person described in subsection (d) shall, on behalf of the individual described in subsection (a), designate the investment vehicle for the KidSave Account to which contributions on behalf of such individual are to be deposited. Such designation shall be made on the application for such individual's Social Security account number.

''(2) CHANGES IN INVESTMENT VEHICLES.—The Commissioner shall by regulation provide the time and manner by which an individual or a person described in subsection (d) on behalf of such individual may change 1 or more investment vehicles for a KidSave Account.

''(d) TREATMENT OF MINORS AND INCOMPETENT INDIVIDUALS.—Any designation under subsection (c) to be made by a minor, or an individual mentally incompetent or under other legal disability, may be made by the person who is constituted guardian or other fiduciary by the law of the State of residence of the individual or is otherwise legally vested with the care of the individual or his estate. Payment under this part due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. In any case in which a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the individual, if any other person, in the judgment of the Commissioner, is responsible for the care of such individual, any designation under subsection (c) which may otherwise be made by such individual may be made by such person, any payment under this part which is otherwise payable to such individual may be made to such person, and the payment of an annuity payment under this part to such person bars recovery by any other person.

''DEFINITIONS AND SPECIAL RULES

''SEC. 262. (a) KIDSAVE ACCOUNTS.—In this part, the term 'KidSave Account' means any KidSave Account in the Individual Savings Fund (established under section 254) which is administered by the Individual Savings Fund Board.

''(b) TREATMENT OF ACCOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any KidSave Account described in subsection (a) shall be treated in the same manner as an individual savings account under part B.

''(2) DISTRIBUTIONS.—Notwithstanding any other provision of law, distributions may only be made from a KidSave Account of an individual on or after the earlier of—

''(A) the date on which the individual begins receiving benefits under this title, or

''(B) the date of the individual's death.''.

SEC. 103. ADJUSTMENTS TO PRIMARY INSURANCE AMOUNTS UNDER PART A OF TITLE II OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended by adding at the end the following:

''Adjustment of Primary Insurance Amount in Relation to Deposits Made to Individual Savings Accounts and KidSave Accounts

''(j)(1) Except as provided in paragraph (2), an individual's primary insurance amount as determined in accordance with this section (before adjustments made under subsection (i)) shall be equal to—

''(A) the amount which would be so determined without the application of this subsection, multiplied by

''(B) 1 minus the ratio of—

''(i) the sum of—

''(I) the total of all amounts which have been credited pursuant to sections 3101(a)(2)(A)(i) and 1401(a)(2)(A)(i) of the Internal Revenue Code of 1986 to the individual savings account held by such individual, plus

''(II) 50 percent of the accumulated value of the KidSave Account (established on behalf of such individual under section 261(a)) determined on the date such KidSave Account is redesignated as an individual savings account held by such individual under section 251(a)(1)(B), plus

''(III) accrued interest on such amounts compounded annually up to the date of initial benefit entitlement based on the individual's earnings, assuming an interest rate equal to the projected interest rate of the Federal Old-Age and Survivors Trust Fund, to

''(ii) the expected present value of all future benefits paid based on the individual's earnings, as of the date of initial benefit entitlement based on such earnings, assuming future mortality and interest rates for the Federal Old-Age and Survivors Trust Fund used in the intermediate projections of the most recent Board of Trustees report under section 201.

''(2) In the case of an individual who becomes entitled to disability insurance benefits under section 223, such individual's primary insurance amount shall be determined without regard to paragraph (1).''.

(b) CONFORMING AMENDMENT TO RAILROAD RETIREMENT ACT OF 1974.—Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended by adding at the end the following:

''(s) In applying applicable provisions of the Social Security Act for purposes of determining the amount of the annuity to which an individual is entitled under this Act, section 215(j) of the Social Security Act and part B of title II of such Act shall be disregarded.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to computations and recomputations of primary insurance amounts occurring after December 31, 2000.

TITLE II—SOCIAL SECURITY SYSTEM ADJUSTMENTS

SEC. 201. ADJUSTMENTS TO BEND POINTS IN DETERMINING PRIMARY INSURANCE AMOUNTS.

(a) ADDITIONAL BEND POINT.—Section 215(a)(1)(A) of the Social Security Act (42 U.S.C. 415(a)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii)—

(A) by striking ''15 percent'' and inserting ''32 percent'';

(B) by striking ''clause (ii),'' and inserting the following: ''clause (ii) but do not exceed the amount established for purposes of this clause by subparagraph (B), and''; and

(3) by inserting after clause (iii) the following:

''(iv) 15 percent of the individual's average indexed monthly earnings to the extent that such earnings exceed the amount established for purposes of clause (iii),''.

(b) INITIAL LEVEL OF ADDITIONAL BEND POINT.—Section 215(a)(1)(B)(i) of such Act (42 U.S.C. 415(a)(1)(B)(i)) is amended—

(1) by striking ''clause (i) and (ii)'' and inserting ''clauses (i) and (iii)''; and

(2) by adding at the end the following: ''For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefit), in the calendar year 2001, the amount established for purposes of clause (ii) of subparagraph (A) shall be equal to 197.5 percent of the amount established for purposes of clause (i).''.

(c) ADJUSTMENTS TO PIA FORMULA FACTORS.—Section 215(a)(1)(B) of such Act (42 U.S.C. 415(a)(1)(B)) is amended further—

(1) by redesignating clause (iii) as clause (iv);

(2) by inserting after clause (ii) the following:

''(iii) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 2005, effective for such calendar year—

''(I) the percentage in effect under clause (ii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 increased the applicable number of times by 3.8 percentage points,

''(II) the percentage in effect under clause (iii) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 1.2 percentage points, and

''(III) the percentage in effect under clause (iv) of subparagraph (A) shall be equal to the percentage in effect under such clause for calendar year 2005 decreased the applicable number of times by 0.5 percentage points.

For purposes of the preceding sentence, the term 'applicable number of times' means a number equal to the lesser of 10 or the number of years beginning with 2006 and ending with the year of initial eligibility or death.''; and

(3) in clause (iv) (as redesignated), by striking ''amount'' and inserting ''dollar amount''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to primary insurance amounts of individuals attaining early retirement age (as defined in section 216(l) of the Social Security Act), or dying, after December 31, 2000.

SEC. 202. ADJUSTMENT OF WIDOWS' AND WIDOWERS' INSURANCE BENEFITS.

(a) WIDOW'S BENEFIT.—Section 202(e)(2)(A) of the Social Security Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''equal to'' and all that follows and inserting ''equal to the greater of—

''(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

''(ii) the lesser of—

''(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

''(II) the benefit which would have been received by the widow or surviving divorced wife if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(I), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.''.

(b) WIDOWER'S BENEFIT.—Section 202(f)(3)(A) of the Social Security Act (42 U.S.C. 402(b)(3)(A)) is amended by striking ''equal to'' and all that follows and inserting ''equal to the greater of—

''(i) the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual, or

''(ii) the lesser of—

''(I) the applicable percentage of the joint benefit which would have been received by the widow or surviving divorced wife and the deceased individual for such month if such individual had not died, or

''(II) the benefit which would have been received by the widower or surviving divorced husband if such individual's contributions were based on the maximum contribution and benefit base amount (determined under section 230) for each contribution base year (as determined under section 215(b)(2)(B)(ii)) of such individual.

For purposes of clause (ii)(II), the applicable percentage is equal to 50 percent in 2001, increased (but not above 75 percent) by 1 percentage point in every second year thereafter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply individuals entitled to benefits after the date of enactment of this Act.

SEC. 203. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking ''retirement age'' and inserting ''early retirement age'';

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking ''retirement age'' each place it appears and inserting ''early retirement age'';

(3) in subsection (f)(1)(B), by striking ''retirement age'' and inserting ''early retirement age'';

(4) in subsection (f)(3)—

(A) by striking ''33⅓ percent'' and all that follows through ''any other individual,'' and inserting ''50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),''; and

(B) by striking ''retirement age'' and inserting ''early retirement age'';

(5) in subsection (f)(5)(D)(i), by striking ''retirement age'' and inserting ''early retirement age'';

(6) in subsection (f)(9)—

(A) by striking '', (5)(D)(i), and (8)(D)'' and inserting ''and (5)(D)(i)''; and

(B) by striking ''retirement age'' both places it appears and inserting ''early retirement age'';

(7) in subsection (h)(1)(A), by striking ''retirement age (as defined in section 216(l))'' each place it appears and inserting ''early retirement age (as defined in section 216(l))''; and

(8) in subsection (j)—

(A) in the heading, by striking ''Retirement Age'' and inserting ''Early Retirement Age''; and

(B) by striking ''having attained retirement age (as defined in section 216(l))'' and inserting ''having attained early retirement age (as defined in section 216(l))''.

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 62.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking ''the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable'' and inserting ''a new exempt amount which shall be applicable''.

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking ''Except'' and all that follows through ''whichever'' and inserting ''The exempt amount which is applicable for each month of a particular taxable year shall be whichever'';

(B) in clauses (i) and (ii), by striking ''corresponding'' each place it appears; and

(C) in the last sentence, by striking ''an exempt amount'' and inserting ''the exempt amount''.

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Subparagraphs (D) and (E) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) are repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking ''nor shall any deduction'' and all that follows and inserting ''nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.''; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: ''(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,''.

(2) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking ''if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted'' and inserting the following: ''if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Bipartisan Social Security Reform Act of 2000 had not been enacted''.

(d) STUDY OF THE EFFECT OF TAKING EARNINGS INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF DISABLED INDIVIDUALS.—

(1) IN GENERAL.—Not later than February 15, 2001, the Commissioner of Social Security shall conduct a study on the effect that taking earnings into account in determining substantial gainful activity of individuals receiving disability insurance benefits has on the incentive for such individuals to work and submit to Congress a report on the study.

(2) CONTENTS OF STUDY.—The study conducted under paragraph (1) shall include the evaluation of—

(A) the effect of the current limit on earnings on the incentive for individuals receiving disability insurance benefits to work;

(B) the effect of increasing the earnings limit or changing the manner in which disability insurance benefits are reduced or terminated as a result of substantial gainful activity (including reducing the benefits gradually when the earnings limit is exceeded) on—

(i) the incentive to work; and

(ii) the financial status of the Federal Disability Insurance Trust Fund;

(C) the effect of extending eligibility for the Medicare program to individuals during the period in which disability insurance benefits of the individual are gradually reduced as a result of substantial gainful activity and extending such eligibility for a fixed period of time after the benefits are terminated on—

(i) the incentive to work; and

(ii) the financial status of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund; and

(D) the relationship between the effect of substantial gainful activity limits on blind individuals receiving disability insurance benefits and other individuals receiving disability insurance benefits.

(3) CONSULTATION.—The analysis under paragraph (2)(C) shall be done in consultation with the Administrator of the Health Care Financing Administration.

(e) EFFECTIVE DATE.—The amendments and repeals made by subsections (a), (b), and (c) shall apply with respect to taxable years ending after December 31, 2002.

SEC. 204. GRADUAL INCREASE IN NUMBER OF BENEFIT COMPUTATION YEARS; USE OF ALL YEARS IN COMPUTATION.

(a) IN GENERAL.—Section 215(b)(2)(A) of the Social Security Act (42 U.S.C. 415(b)(2)(A)) is amended—

(1) in clause (i), by striking ''5 years'' and inserting ''the applicable number of years for purposes of this clause''; and

(2) by striking ''Clause (ii),'' in the matter following clause (ii) and inserting the following:

''For purposes of clause (i), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

''If such calendar year is:	The applicable number of years is:
2002	4.
2003	4.
2004	3.
2005	3.
2006	2.
2007	2.
2008	1.
2009	1.
After 2009	0.

Notwithstanding the preceding sentence, the applicable number of years is 5, in the case of any individual who is entitled to old-age insurance benefits, and has a spouse who is also so entitled (or who died without having become so entitled) who has greater total wages and self-employment income credited to benefit computation years than the individual. Clause (ii),''.

(b) USE OF ALL YEARS IN COMPUTATION.—

(1) IN GENERAL.—Section 215(b)(2)(B) of the Social Security Act (42 U.S.C. 415(b)(2)(B)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) for calendar years after 2001 and before 2010, the term 'benefit computation years' means those computation base years equal in number to the number determined under subparagraph (A) plus the applicable number of years determined under subclause (III), for which the total of such individual's wages and self-employment income, after adjustment under paragraph (3), is the largest;

''(II) for calendar years after 2009, the term 'benefit computation years' means all of the computation base years; and

''(III) for purposes of subclause (I), the applicable number of years is the number of years specified in connection with the year in which such individual reaches early retirement age (as defined in section 216(l)(2)), or, if earlier, the calendar year in which such individual dies, as set forth in the following table:

''If such calendar year is:	The applicable number of years is:
Before 2002	0.
2002	1.
2003	1.
2004	2.
2005	2.
2006	3.
2007	3.
2008	4.
2009	4;

''(ii) the term 'computation base years' means the calendar years after 1950, except that such term excludes any calendar year entirely included in a period of disability; and''.

(2) CONFORMING AMENDMENT.—Section 215(b)(1)(B) of the Social Security Act (42 U.S.C. 415(b)(1)(B)) is amended by striking ''in those years'' and inserting ''in an individual's computation base years determined under paragraph (2)(A)''.

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply with respect to individuals attaining early retirement age (as defined in section 216(l)(2) of the Social Security Act) after December 31, 2001.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to benefit computation years beginning after December 31, 2000.

SEC. 205. MAINTENANCE OF BENEFIT AND CONTRIBUTION BASE.

(a) IN GENERAL.—Section 230 of the Social Security Act (42 U.S.C. 430) is amended to read as follows:

MAINTENANCE OF THE CONTRIBUTION AND BENEFIT BASE

''SEC. 230. (a) The Commissioner of Social Security shall determine and publish in the Federal Register on or before November 1 of each calendar year the contribution and benefit base determined under subsection (b) which shall be effective with respect to remuneration paid after such calendar year and taxable years beginning after such year.

''(b) For purposes of this section, for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 54, 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1986, and for purposes of section 4022(b)(3)(B) of Public Law 93–406, the contribution and benefit base with respect to remuneration paid in (and taxable years beginning in) any calendar year is an amount equal to 84.5 percent of the total wages and self-employment income for the preceding calendar year (within the meaning of section 209).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid in (and taxable years beginning in) any calendar year after 2000.

SEC. 206. REDUCTION IN THE AMOUNT OF CERTAIN TRANSFERS TO MEDICARE TRUST FUND.

Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (42

U.S.C. 401 note), as amended by section 13215(c)(1) of the Omnibus Budget Reconciliation Act of 1993, is amended—

(1) in clause (ii), by striking ''the amounts'' and inserting ''the applicable percentage of the amounts''; and

(2) by adding at the end the following: ''For purposes of clause (ii), the applicable percentage for a year is equal to 100 percent, reduced (but not below zero) by 10 percentage points for each year after 2004.''.

SEC. 207. ACTUARIAL ADJUSTMENT FOR RETIREMENT.

(a) EARLY RETIREMENT.—

(1) IN GENERAL.—Section 202(q) of the Social Security Act (42 U.S.C. 402(q)) is amended—

(A) in paragraph (1)(A), by striking ''5/9'' and inserting ''the applicable fraction (determined under paragraph (12))''; and

(B) by adding at the end the following:

''(12) For purposes of paragraph (1)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

''(A) any year before 2001, is 5/9;

''(B) 2001, is 7/12;

''(C) 2002, is 11/18;

''(D) 2003, is 23/36;

''(E) 2004, is 2/3; and

''(F) 2005 or any succeeding year, is 25/36.''.

(2) MONTHS BEYOND FIRST 36 MONTHS.—Section 202(q) of such Act (42 U.S.C. 402(q)(9)) (as amended by paragraph (1)) is amended—

(A) in paragraph (9)(A), by striking ''five-twelfths'' and inserting ''the applicable fraction (determined under paragraph (13))''; and

(B) by adding at the end the following:

''(13) For purposes of paragraph (9)(A), the 'applicable fraction' for an individual who attains the age of 62 in—

''(A) any year before 2001, is 5/12;

''(B) 2001, is 16/36;

''(C) 2002, is 16/36;

''(D) 2003, is 17/36;

''(E) 2004, is 17/36; and

''(F) 2005 or any succeeding year, is 1/2.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to individuals who attain the age of 62 in years after 2000.

(b) DELAYED RETIREMENT.—Section 202(w)(6) of the Social Security Act (42 U.S.C. 402(w)(6)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking ''2004.'' and inserting ''2004 and before 2007;''; and

(3) by adding at the end the following:

''(E) 17/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2006 and before 2009;

''(F) 3/4 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2008 and before 2011;

''(G) 19/24 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2010 and before 2013; and

''(H) 5/6 of 1 percent in the case of an individual who attains the age of 62 in a calendar year after 2012.''.

SEC. 208. IMPROVEMENTS IN PROCESS FOR COST-OF-LIVING ADJUSTMENTS.

(a) ANNUAL DECLARATIONS OF PERSISTING UPPER LEVEL SUBSTITUTION BIAS, QUALITY-CHANGE BIAS, AND NEW-PRODUCT BIAS.—Not later than December 1, 2000, and annually thereafter, the Commissioner of the Bureau of Labor Statistics shall publish in the Federal Register an estimate of the upper level substitution bias, quality-change bias, and new-product bias retained in the Consumer Price Index, expressed in terms of a percentage point effect on the annual rate of change in the Consumer Price Index determined through the use of a superlative index that accounts for changes that consumers make in the quantities of goods and services consumed.

(b) MODIFICATION OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each calendar year after 2000 any cost-of-living adjustment described in subsection (f) shall be further adjusted by the greater of—

(A) the applicable percentage point, or

(B) the correction for the upper level substitution bias, quality-change bias, and new-product bias (as last published by the Commissioner of the Bureau of Labor Statistics pursuant to subsection (a)).

(2) APPLICABLE PERCENTAGE POINT.—For purposes of paragraph (1)(A), the applicable percentage point shall be determined in accordance with the following table:

Calendar year:	Applicable Percentage Point:
2001	0.1
2002	0.2
2003	0.3
2004 and thereafter	0.33.

(c) FUNDING FOR CPI IMPROVEMENTS.—

(1) IN GENERAL.—There is hereby appropriated to the Bureau of Labor Statistics in the Department of Labor, for each of fiscal years 2001, 2002, and 2003, $60,000,000 for use by the Bureau for the following purposes:

(A) Research, evaluation, and implementation of a superlative index to estimate upper level substitution bias, quality-change bias, and new-product bias in the Consumer Price Index.

(B) Expansion of the Consumer Expenditure Survey and the Point of Purchase Survey.

(2) REPORTS.—The Commissioner of the Bureau of Labor Statistics shall submit reports regarding the use of appropriations made under paragraph (1) to the Committee on Appropriations of the House of Representative and the Committee on Appropriations of the Senate upon the request of each Committee.

(d) INFORMATION SHARING.—The Commissioner of the Bureau of Labor Statistics may secure directly from the Secretary of Commerce information necessary for purposes of calculating the Consumer Price Index. Upon request of the Commissioner of the Bureau of Labor Statistics, the Secretary of Commerce shall furnish that information to the Commissioner.

(e) ADMINISTRATIVE ADVISORY COMMITTEE.—The Bureau of Labor Statistics shall, in consultation with the National Bureau of Economic Research, the American Economic Association, and the National Academy of Statisticians, establish an administrative advisory committee. The advisory committee shall periodically advise the Bureau of Labor Statistics regarding revisions of the Consumer Price Index and conduct research and experimentation with alternative data collection and estimating approaches.

(f) COST-OF-LIVING ADJUSTMENT DESCRIBED.—A cost-of-living adjustment described in this subsection is any cost-of-living adjustment for a calendar year after 2000 determined by reference to a percentage change in a consumer price index or any component thereof (as published by the Bureau of Labor Statistics of the Department of Labor and determined without regard to this section) and used in any of the following:

(1) The Internal Revenue Code of 1986.

(2) The provisions of this Act (other than programs under title XVI and any adjustment in the case of an individual who attains early retirement age before January 1, 2001).

(3) Any other Federal program.

(g) RECAPTURE OF CPI REFORM REVENUES DEPOSITED INTO THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

''(n) On July 1 of each calendar year specified in the following table, the Secretary of the Treasury shall transfer, from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the applicable percentage for such year, specified in such table, of the total wages paid in and self-employment income credited to such year.

''For a calendar year—	The applicable percentage for the year is—
After 2001 and before 2020	0.4 percent.
After 2019 and before 2040	0.53 percent.
After 2039 and before 2060	0.67 percent.
After 2059	0.8 percent.''.

SEC. 209. MODIFICATION OF PIA FACTORS TO REFLECT CHANGES IN LIFE EXPECTANCY.

(a) MODIFICATION OF PIA FACTORS.—Section 215(a)(1) of the Social Security Act (42 U.S.C. 415(a)(1)(B)) is amended by redesignating subparagraph (D) as subparagraph (F) and by inserting after subparagraph (C) the following:

''(D)(i) For individuals who initially become eligible for old-age insurance benefits in any calendar year after 2005, each of the percentages under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be multiplied the applicable number of times by the applicable factor.

''(ii) For purposes of clause (i)—

''(I) the term 'applicable number of times' means a number equal to the sum of—

''(aa) the number of years beginning with 2006 and ending with the earlier of 2016 or the year of initial eligibility; plus

''(bb) if the year of initial eligibility has not occurred, the number of years beginning with 2023 and ending with the earlier of 2053 or the year of initial eligibility; and

''(II) the term 'applicable factor' means .988 with respect to the first 6 applicable number of times and .997 with respect to the applicable number of times in excess of 6.

''(E) For any individual who initially becomes eligible for disability insurance benefits in any calendar year after 2005, the primary insurance amount for such individual shall be equal to the greater of—

''(i) such amount as determined under this paragraph, or

''(ii) such amount as determined under this paragraph without regard to subparagraph (D) thereof.''.

(b) STUDY OF THE EFFECT OF INCREASES IN LIFE EXPECTANCY.—

(1) STUDY PLAN.—Not later than February 15, 2001, the Commissioner of Social Security shall submit to Congress a detailed study plan for evaluating the effects of increases in life expectancy on the expected level of retirement income from social security, pensions, and other sources. The study plan shall include a description of the methodology, data, and funding that will be required in order to provide to Congress not later than February 15, 2006—

(A) an evaluation of trends in mortality and their relationship to trends in health status, among individuals approaching eligibility for social security retirement benefits;

(B) an evaluation of trends in labor force participation among individuals approaching

eligibility for social security retirement benefits and among individuals receiving retirement benefits, and of the factors that influence the choice between retirement and participation in the labor force;

(C) an evaluation of changes, if any, in the social security disability program that would reduce the impact of changes in the retirement income of workers in poor health or physically demanding occupations;

(D) an evaluation of the methodology used to develop projections for trends in mortality, health status, and labor force participation among individuals approaching eligibility for social security retirement benefits and among individuals receiving retirement benefits; and

(E) an evaluation of such other matters as the Commissioner deems appropriate for evaluating the effects of increases in life expectancy.

(2) REPORT ON RESULTS OF STUDY.—Not later than February 15, 2006, the Commissioner of Social Security shall provide to Congress an evaluation of the implications of the trends studied under paragraph (1), along with recommendations, if any, of the extent to which the conclusions of such evaluations indicate that projected increases in life expectancy require modification in the social security disability program and other income support programs.

SEC. 210. MECHANISM FOR REMEDYING UNFORESEEN DETERIORATION IN SOCIAL SECURITY SOLVENCY.

(a) IN GENERAL.—Section 709 of the Social Security Act (42 U.S.C. 910) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking ''SEC. 709. (a) If the Board of Trustees'' and all that follows through ''any such Trust Fund'' and inserting the following:

''SEC. 709. (a)(1)(A) If the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund determines at any time, using intermediate actuarial assumptions, that the balance ratio of either such Trust Fund during any calendar year within the succeeding period of 75 calendar years will attain zero, the Board shall promptly submit to each House of the Congress and to the President a report setting forth its recommendations for statutory adjustments affecting the receipts and disbursements of such Trust Fund necessary to maintain the balance ratio of such Trust Fund at not less than 20 percent, with due regard to the economic conditions which created such inadequacy in the balance ratio and the amount of time necessary to alleviate such inadequacy in a prudent manner. The report shall set forth specifically the extent to which benefits would have to be reduced, taxes under section 1401, 3101, or 3111 of the Internal Revenue Code of 1986 would have to be increased, or a combination thereof, in order to obtain the objectives referred to in the preceding sentence.

''(B) In addition to any reports under subparagraph (A), the Board shall, not later than May 30, 2001, prepare and submit to Congress and the President recommendations for statutory adjustments to the disability insurance program under title II of this Act to modify the changes in disability benefits under the Bipartisan Social Security Reform Act of 2000 without reducing the balance ratio of the Federal Disability Insurance Trust Fund. The Board shall develop such recommendations in consultation with the National Council on Disability, taking into consideration the adequacy of benefits under the program, the relationship of such program with old age benefits under such title, and changes in the process for determining initial eligibility and reviewing continued eligibility for benefits under such program.

''(2)(A) The President shall, no later than 30 days after the submission of the report to the President, transmit to the Board and to the Congress a report containing the President's approval or disapproval of the Board's recommendations.

''(B) If the President approves all the recommendations of the Board, the President shall transmit a copy of such recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(C) If the President disapproves the recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval. The Board shall then transmit to the Congress and the President, no later than 60 days after the date of the submission of the original report to the President, a revised list of recommendations.

''(D) If the President approves all of the revised recommendations of the Board transmitted to the President under subparagraph (C), the President shall transmit a copy of such revised recommendations to the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(E) If the President disapproves the revised recommendations of the Board, in whole or in part, the President shall transmit to the Board and the Congress the reasons for that disapproval, together with such revisions to such recommendations as the President determines are necessary to bring such recommendations within the President's approval. The President shall transmit a copy of such recommendations, as so revised, to the Board and the Congress as the President's recommendations, together with a certification of the President's adoption of such recommendations.

''(3)(A) This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subparagraph (B), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(B) For purposes of this paragraph, the term 'joint resolution' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the President's recommendations, together with the President's certification, to the Congress under subparagraph (B), (D), or (E) of paragraph (2), and—

''(i) which does not have a preamble;

''(ii) the matter after the resolving clause of which is as follows: 'That the Congress approves the recommendations of the President as transmitted on ____ pursuant to section 709(a) of the Social Security Act, as follows: _____', the first blank space being filled in with the appropriate date and the second blank space being filled in with the statutory adjustments contained in the recommendations; and

''(iii) the title of which is as follows: 'Joint resolution approving the recommendations of the President regarding social security.'.

''(C) A joint resolution described in subparagraph (B) that is introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A joint resolution described in subparagraph (B) introduced in the Senate shall be referred to the Committee on Finance of the Senate.

''(D) If the committee to which a joint resolution described in subparagraph (B) is referred has not reported such joint resolution (or an identical joint resolution) by the end of the 20-day period beginning on the date on which the President transmits the recommendation to the Congress under paragraph (2), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

''(E)(i) On or after the third day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subparagraph (D)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the joint resolution was referred. All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

''(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

''(iii) Immediately following the conclusion of the debate on a joint resolution described in subparagraph (B) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

''(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subparagraph (B) shall be decided without debate.

''(F)(i) If, before the passage by one House of a joint resolution of that House described in subparagraph (B), that House receives from the other House a joint resolution described in subparagraph (B), then the following procedures shall apply:

''(I) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subclause (II).

''(II) With respect to a joint resolution described in subparagraph (B) of the House receiving the joint resolution, the procedure in that House shall be the same as if no joint resolution had been received from the other House, but the vote on final passage shall be on the joint resolution of the other House.

''(ii) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

''(b) If the Board of Trustees of the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund determines as any time that the balance ratio of either such Trust Fund.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 709(b) of the Social Security Act (42 U.S.C. 910(b)) (as amended by subsection (a) of this section) is amended by striking ''any such'' and inserting ''either such''.

(2) Section 709(c) of such Act (42 U.S.C. 910(c)) (as redesignated by subsection (a) of this section) is amended by inserting ''or (b)'' after ''subsection (a)''.

By Mr. DORGAN (for himself, Mr. ENZI, MR. VOINOVICH, Mr. BREAUX, Mr. GRAHAM, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, and Mr. THOMAS):

S. 2775. To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

INTERNET TAX MORATORIUM AND EQUITY ACT

• Mr. DORGAN. Mr. President, if the Internet and E-commerce are to continue to grow and flourish then Congress must address the difficult tax issues that these have posed. To that end, Senator VOINOVICH and I, along with Senators GRAHAM, ENZI, BREAUX and six of our distinguished colleagues are introducing the Internet Tax Moratorium and Equity Act.

First and foremost, this legislation extends for four additional years the existing moratorium on punitive and discriminatory Internet taxes, and on access taxes. Internet technology is becoming a real growth engine for our economy. Governments should not be allowed to impose new taxes on access, or to enact discriminatory tax plans that would apply to the Internet and E-commerce but not to other kinds of transactions. I believe that such policies could foolishly hurt the future growth of the Internet industry, and this legislation prevents that from happening anytime soon.

At the same time, however, this legislation moves toward a solution to the growing web of tax compliance problems that faces virtually everyone who would do business across state lines—sellers and customers alike. Our approach also would help to create a climate in which Web-based firms and Main Street businesses can co-exist and compete on fair and even terms.

Any new form of commerce presents a challenge to the rules and structures that have grown up around the old. The Internet is no exception. The Internet has raised vexing questions regarding both privacy and the protection of property rights in writing and music. It has raised similar questions regarding the revenue systems of the states and localities of this nation. Not surprisingly, the Internet simply does not fit neatly into these systems as they have evolved over the last two hundred years.

This disconnect has created tensions on all sides. On one side are the vital new businesses—Internet service providers, Web-based businesses and the rest—worried that they will be singled out as cash cows and subjected to new and unfair taxes. On the other side are state and local governments worried about the erosion of their tax bases and their ability to pay for the schools, police, garbage collection and more that their taxpayers need and expect. In between are Main Street merchants who collect sales taxes from their customers and worry about unfair competition from Web-based business that avoid collecting these taxes. Let us not forget the citizens and taxpayers, who appreciate the convenience and opportunities of the Web but who also care about their Main Street merchants, and about their schools and other local services.

All of these concerns are valid. There are no bad guys in the drama. Rather, it is the kind of conflict that a new technology inevitably poses. The automobile required the reform of traffic-control rules designed for the horse-and-buggy era. So today the rise of E-commerce requires an update of tax compliance rules designed primarily for local commerce. Our job in Congress is not to point fingers but rather to try to address the problem in a fair and constructive way.

The solution must begin by putting the worries of Web-based entrepreneurs to rest. They should not be concerned about new and discriminatory tax burdens, and they should not be singled out as cash cows. Congress should make this clear. We have enacted a moratorium to prohibit state and local governments from enacting tax plans that discriminate against the E-commerce or impose a levy on Internet access. This existing moratorium is set to expire next year. We should extend that moratorium to December 2005. That will help clear the air and also make possible the development of a real solution for the sales and use tax compliance problems now facing many businesses and and their customers.

The solution begins with a recognition of the problem. Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the state or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States can not require a seller to collect a sales tax unless the business has an actual location or sales people in the state. So most states, and many localities, have laws that require the local buyer to send an equivalent ''use tax'' to the state or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the requirement in the law, most simply don't do it. This tax, which is already owed, is not paid. For years, state and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. The Internet, however, will change that.

Internet and catalog sellers argue that collecting sales taxes would be a significant burden for them. They contend that they would have to comply with tax laws from thousands of different jurisdictions—46 states and thousands of local governments have sales taxes. They would have to deal with many different tax rates and all of the idiosyncracies regarding what is taxable and what is non-taxable. They have a point.

However, there are some remote sellers who know they enjoy an advantage over Main Street businesses and simply do not want to lose it. They can sell a product without collecting the tax, whereas Main Street businesses must collect the local sales tax. Main Street businesses claim that is unfair, and they have a point, too.

As I said, all sides in this debate have valid points, and that is the premise of the bill we introduce today. There are three basic principles underlying the Internet Tax Moratorium and Equity Act. First, we believe that this new Internet technology is becoming a real growth engine for our economy. Governments should not impose access or discriminatory taxes that might jeopardize its growth. That's why the legislation we are introducing extends the current moratorium on Internet access

and multiple and discriminatory taxes on electronic commerce for over four additional years.

Second, state and local governments should be encouraged to simplify their sales tax systems as they apply to remote sellers. And third, once States have done this, then it is only fair that remote sellers do their part and collect any use tax that is owed, just as local merchants collect sales taxes. This simple step would free the consumer from the burden of having to report such taxes individually. It would level the playing field for local retailers and others that already collect and remit such taxes, and it would protect the ability of state and local governments to provide necessary services for their residents in the future.

Specifically, the Internet Tax Moratorium and Equity Act would do the following:

Extend the existing moratorium on Internet access, multiple and discriminatory taxes through December 31, 2005.

Put Congress on record as urging States and localities to develop a streamlined sales and use tax system with the advice of the National Conference of Commissioners on Uniform State Laws. Among other things, such a system would include a single, blended tax rate with which all remote sellers could comply. It should also include within each state a uniform tax base on which remote sellers apply the tax, as well as a uniform list of exempt items.

Authorize States to enter into an Interstate Sales and Use Tax Compact through which member States would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a Compact would expire if it has not occurred by January 1, 2006.

Authorize adopting States to require remote sellers with more than $5 million in annual gross sales to collect and remit sales and use taxes on remote sales, once twenty States have adopted such Compact, unless Congress has acted to disapprove the Compact by law within a period of 120 days after the Congress receives it.

Prohibit states that have not adopted the simplified sales and use tax system from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales.

In my view, it would be a mistake for Congress to adopt a lengthy extension of the current Internet tax moratorium without addressing the underlying problem. If we don't, then the growth of the Internet, which should be a benefit to Americans, will instead mean a major erosion of funds available to build and maintain schools and roads, finance police departments and garbage collection, and all the other services that citizens in this country want and need. One study suggests that states and local governments soon could be losing more than $20 billion annually if the Internet industry continues its rapid growth, and if sales and use tax collection rules are left unchanged.

The competitive crisis facing local retailers is also growing more urgent. Testimony at a recent congressional hearing makes that clear: A representative of Wal-Mart testified recently that that company is incorporating a separate business to put Wal-Mart on the Internet. It will do so in a manner that will enable them to avoid sales and use taxes. The reason? Even though Wal-Mart has locations in every state and therefore would be required to collect such taxes on Internet sales, it recognizes that other large competitors will be making those sales tax-free. The company regards such avoidance as a matter of necessity to remain competitive.

This scenario will play out over and over again. The large retailers like Wal-Mart will survive; the small Main Street businesses will struggle. And, there will be a massive loss of revenues to fund schools and other basic services.

Mr. President, this is an important issue that Congress must address now. We believe that this legislation strikes a balance between the interests of the Internet industry, state and local governments, local retailers and remote sellers. It is workable and fair.

I urge my colleagues to cosponsor this much-needed bipartisan legislation.●

Mr. ENZI. Mr. President, I rise in strong support of the Internet Tax Moratorium and Equity Act of 2000 introduced today by Senator DORGAN. I am an original cosponsor and I encourage each of my colleagues to join me as a cosponsor of this bill. We had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating states into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and states that rely on the ability to collect the sales tax they are currently getting.

There are some critical issues here that have to be solved to keep the stability of state and local government—just the stability of it—not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act of 2000 is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural states like Wyoming. In addition, we must consider the legitimate need of state and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowing Federal Government.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local level and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to state and local governments and I am very leery of any federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force states into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to state and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act of 2000 has been introduced. I would like to commend Senator DORGAN on his commitment to finding a solution and

working all parties to find that solution. The bill extends the existing moratorium on Internet access, multiple, and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales (regardless of traditional or Internet sales) if States will simplify collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

We introduce this bill because we do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day. What we know as the Internet today is not what we will be using by the time the moratorium is finalized. More and more people are using the Internet everyday.

Mr. President, I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several Senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I was the mayor of a small town, Gillette, WY, for 8 years. I later served in the State house for 5 years and the State senate for 5 years. Throughout my public life I have always worked to reduce taxes, to return more of people's hard-earned wages to them.

I am not here to argue in favor of taxes. There were times in Gillette when we had to make tough decisions. I was mayor during the boom time when the size of our town doubled in just a few years. We had to be very creative to be sure that our revenue sources would cover the necessary public services—important services like sewer, water, curb and gutter, filling in potholes, shoveling snow, collecting garbage, and mostly water. It is a tough job because the impact of your decision is felt by all of your neighbors. Hardly any of these problems is solved without money. When you are the mayor of a small town, you are on call 24 hours a day. You are in the phone book. People can call you at night and tell you that the city sewer is backing up into their house. I was fascinated how they were always sure that it was the city's sewer that was doing it. Therefore, it is important that we do not cut towns out of a historic source of revenue. They provides services you really depend on. Remember you cannot flush your toilet over the Internet.

The point is that the government that is closest to the people is also on the shortest time line to get results. I think it is the hardest work. I am very concerned with any piece of legislation that mandates or restricts local government's ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act of 2000 would designate a level playing field for all involved—business, government, and the consumer.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sole tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowingly federal government.

I do strongly support this bill. The current system of collecting revenues for those towns and states should be preserved—preserved on a level playing field for all involved. I do not think we have all the answers, or we would not be asking for this bill. So whatever we do, we have to have a bill that will preserve the way that small business and small towns function at the present at the present time. Our bill is critical for towns, small businesses, and you and me. I urge my colleagues to support it.

I yield the floor.

Mr. GRAHAM. Mr. President, earlier this year, the Senate began consideration of the Elementary and Secondary Education Act reauthorization. As its name suggests, that legislation governs how Federal dollars that go to the States for education will be spent. It is a very important bill, and I regret that the Senate was unable to complete consideration of it.

As important as the ESEA reauthorization bill is, however, it is not the most significant education bill that Congress will deal with in the next two years. In fact, the most important education bill Congress will consider won't mention schools or students. It won't reference classroom size or teacher salaries.

In 1998, Congress passed the Internet Tax Freedom Act. That bill imposed a three year moratorium on specific state taxes applicable to the Internet. The legislation didn't affect the states' ability to impose sales tax on Internet purchases, nor did it fix the unfair advantage ''e-tailers'' currently have over their main street competitors with respect to their responsibility to collect sales and use taxes.

As a result of two Supreme Court rulings, a state is prohibited from requiring out-of-state retailers from collecting sales tax on purchases made by its residents if the business has no presence in the state. The sales tax still applies, it just has to be collected directly from the purchaser. For a variety of reasons, very little of this tax is ever collected.

The Internet Tax Freedom Act created the Advisory Commission on Electronic Commerce which was supposed to come up with a solution to this problem. Instead the Commission was hijacked by a small group who opted to demagogue this issue to further their ''anti-tax'' agenda. The result was a year-long study of an issue with little in the form of useful recommendations.

The House has passed a five year extension of the moratorium put in place

by the Internet Tax Freedom Act. The Senate also may soon consider a proposal to extend the temporary ban imposed in 1998. The game plan of the forces supporting this extended moratorium is clear: delay, delay, delay. Keep extending the moratorium until there is a sufficiently large political constituency to permanently block the collection of sales taxes on purchases made over the Internet.

This is not a hidden agenda. Governor Gilmore, Chairman of the Advisory Commission on Electronic Commerce stated it clearly when he said that ''I believe America should ban sales and use taxes on the Internet permanently, for all time. If we secure tax freedom on the Internet through 2006, tax freedom on the Internet will become an entitlement for the American people and a political inevitability. No tax collector will be welcome on the Internet after 2006.''

Let me be clear: this is not about whether purchases made over the Internet are subject to sales tax. They already are. The question is whether Internet sellers should have the same responsibility to collect the sales tax as their Main Street competitors.

If we answer this question with a ''no,'' funding for education will suffer. Why? Because states have the fundamental responsibility for financing public education in our country For most states, sales tax revenue is the primary means by which states fulfill this responsibility. Because many states rely on sales taxes for their general revenue, the equation is simple—no collection of sales tax on the Internet means less money for new schools, teacher salaries, or textbooks. Six states—Florida, Nevada, South Dakota, Tennessee, Texas and Washington rely on sales taxes for more than half of their total tax revenue.

Over the next four years, Internet sales are expected to grow by nearly $500 billion. If state and local governments are prohibited from collecting sales taxes on those new sales, they stand to lose close to $17.5 billion in revenue. Florida's share of that lost revenue could be $1 billion. When asked why he robbed banks, Willie Sutton replied, ''that's where the money is.'' Today, the money is increasingly on the Internet.

There is another reason to fix this issue: fairness. No one would seriously consider a proposal that barred state and local governments from collecting sales and use taxes from retailers who operate from green buildings. That would be unfair to those businesses that aren't located in green buildings. Proposals to arbitrarily benefit the Internet, however, somehow receive a great deal of attention and support.

Our position should be clear: no more delays. No more moratoriums until Congress agrees to a process whereby states can simplify their sales tax systems and receive the authority they need to require remote sellers to collect their sales taxes.

The legislation we are introducing today takes the first positive step in this direction. The bill extends the current moratorium on Internet access taxes and multiple or discriminatory taxes on the Internet, a prohibition that virtually all agree should be imposed.

More importantly, however, it establishes a process whereby states can cooperatively create a model sales and use tax system. Sales tax laws must be made significantly more uniform across the states, and the administration of the tax must be substantially overhauled and simplified. The goal of this legislation is to develop a simple, uniform, and fair system of sales tax collection. It will reduce the burden on remote sellers and protect state and local sovereignty.

Once states have adopted this simplified system, they would then have the authority to require remote sellers to collect and remit sales and use taxes to the state.

Previous attempts to require remote sellers to collect sales and use taxes have been criticized on the grounds that it was unreasonable to require businesses to keep track of the nearly 7,500 state and local governments levying sales and use taxes. That is a suspect criticism, particularly for those. Nevertheless, this bill dramatically simplifies the system for businesses by establishing uniform definitions and fewer rates.

The streamlined sales and use tax system envisioned by this legislation follows the guidance offered by the Advisory Commission on Electronic Commerce. The attributes of this streamlined system include:

A centralized, one-stop, multi-state registration system for sellers;

Uniform definitions for goods or services that would be included in the tax base;

Uniform and simple rules for attributing transactions to particular taxing jurisdictions;

Uniform rules for the designation and identification of purchasers exempt from tax;

Uniform certification procedures for software that sellers may rely on to determine state and local taxes;

Uniform bad debt rules;

Uniform returns and remittance forms;

Consistent electronic filing and remittance methods;

State administration of State and local sales taxes;

Uniform audit procedures;

Reasonable compensation for tax collection by remote sellers;

Exemption for remote sellers with less than $5 million in annual sales for the previous year;

Appropriate protections for consumer privacy; and

Such other features that member states deem warranted to promote simplicity.

Critics of this legislation will argue that it is anti-technology, and that the Internet must be protected from this threat. That is not true. The sponsors of this bill yield to no one in their support and enthusiasm for a vibrant information technology era. But that support does not necessitate special breaks for companies doing business over the Internet.

A more appropriate characterization for this legislation is that it will both assure fairness to all sellers and protect states' abilities to collect the resources necessary to make the education investments that will pave the way for the next technological breakthrough—the next Internet. I hope my colleagues will join us and support this approach.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2776. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for the use in medical research; to the Committee on Finance.

THE MEDICAL RESEARCH INVESTMENT ACT OF 2000

Mr. COVERDELL. Mr. President, today I rise to introduce bipartisan legislation, the Medical Research Investment Act, or MRI Act, and privileged to be joined today by Senator TORRICELLI. The American people are unique in the world in their spirit of volunterism and charitable efforts. Unfortunately, the Federal Tax Code quite often gets in the way.

Congress has made impressive strides to increase resources for medical research. Last year we passed and enacted an increase of $2.7 billion in funding for the National Institutes of Health. This fourteen percent increase means this Congress is well on its way to doubling the Federal support for medical research, as we promised. At the same time, however, we should not diminish the critical role of private donations. This is why the MRI Act is so necessary.

While researchers have indeed made impressive breakthroughs in finding cures. The fight is far from over. For instance, 16 million Americans live with diabetes mellitus. In fact, I met today a courageous child, Caity Rigg, who suffers from Juvenile diabetes and requires four shots of insulin a day just to survive. Diabetes is the leading cause of kidney failure, blindness, and amputations, and is a major factor for heart disease, stroke, and birth defects. It shortens average life expectancy by 15 years and costs the nation in excess of $100 billion annually.

Cardiovascular diseases, heart attacks and strokes, claimed nearly 1 million lives in the United States in

1997. A third of these deaths were premature. In 1996, a third of all hospitalization expenditures were made to Medicare beneficiaries for hospital expenses due to cardiovascular problems.

This year approximately half a million Americans will die of cancer—more than 1,500 people per day. It is the second leading cause of death in the United States, and since 1990, approximately 13 million new cases have been diagnosed. In 2000, over 1 million new patients will be stricken.

The MRI Act makes very simple, but very significant changes. First, it encourages charitable gifts of cash or property for medical research by increasing the limitations on deductibility from the current 50 percent cap to 80 percent of adjusted gross income. Individuals could give 30 percent for medical research and 50 percent of income for other purposes. Or they could give as much as 80 percent of income for medical research alone. Not only would this benefit medical research, but it presents the opportunity for other charities to similarly receive greater support. Further, those who can give more than 80 percent in a year may extent the carry-forward for excess charitable gifts for medical research from five years to ten years.

Second, the MRI Act allows medical research to benefit from incentive stock option, or ISO's, giving by ending disincentives for taxpayers who contribute stock from ISO's to medical research. Current law taxes such transactions at a rate of almost forty percent if stocks are not held for more than a year. Because of the tax on their gifts, many taxpayers find they must sell $140 in stock for every $100 they wish to donate because of the taxes on their gifts. In addition to this change, no ordinary income, capital gains or alternative minimum tax would be imposed on medical research gifts.

Accordingly to an estimate by Price Waterhouse Coopers, the MRI Act would release more than 1 billion in new donations to medical research over the next 5 years. For many research efforts, it could mean the difference between finding cures or not. Our proposal enjoys broad support from the medical research community.

Alliance for Aging Research, American Association for Cancer Research, ALS Association (Lou Gehrigs's Disease), American Society of Cell Biologists, Cancer Treatment Research Foundation, Coalition of National Cancer Cooperative Groups, Cure for Lymphoma, Friends of Cancer Research, International Foundation for Anticancer Drug Discovery, Juvenile Diabetes Foundation for Parkinson's Research, Oncology Nursing Society, Prevent Blindness America, Research to Prevent Blindness, and Society for Women's Health Research.

In closing, I encourage my colleagues to join us in supporting the MRI Act and look forward to its consideration. I ask unanimous consent that a copy of my proposed legislation appear in the RECORD.

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

S. 2776

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 ''Medical Research Investment Act of 2000''.

SEC. 2. INCREASE IN LIMITATION ON CHARITABLE DEDUCTION FOR CONTRIBUTIONS FOR MEDICAL RESEARCH.

(a) IN GENERAL.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 (relating to percentage limitations) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL LIMITATION WITH RESPECT TO CERTAIN CONTRIBUTIONS FOR MEDICAL RESEARCH.—

''(i) IN GENERAL.—Any medical research contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

''(I) 80 percent of the taxpayer's contribution base for any taxable year, or

''(II) the excess of 80 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraphs (A) and (B) (determined without regard to subparagraph (C)).

''(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a medical research contribution in each of the 10 succeeding taxable years in order of time.

''(iii) TREATMENT OF CAPITAL GAIN PROPERTY.—In the case of any medical research contribution of capital gain property (as defined in subparagraph (C)(iv)), subsection (e)(1) shall apply to such contribution.

''(iv) MEDICAL RESEARCH CONTRIBUTION.—For purposes of this subparagraph, the term 'medical research contribution' means a charitable contribution—

''(I) to an organization described in clauses (ii), (iii), (v), or (vi) of subparagraph (A), and

''(II) which is designated for the use of conducting medical research.

''(v) MEDICAL RESEARCH.—For purposes of this subparagraph, the term 'medical research' has the meaning given such term under the regulations promulgated under subparagraph (A)(ii), as in effect on the date of the enactment of this subparagraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 170(b)(1)(A) of the Internal Revenue Code of 1986 is amended in the matter preceding clause (i) by inserting ''(other than a medical research contribution)'' after ''contribution''.

(2) Section 170(b)(1)(B) of such Code is amended by inserting ''or a medical research contribution'' after ''applies''.

(3) Section 170(b)(1)(C)(i) of such Code is amended by striking ''subparagraph (D)'' and inserting ''subparagraph (D) or (G)''.

(4) Section 170(b)(1)(D)(i) of such Code is amended—

(A) in the matter preceding subclause (I), by inserting ''or a medical research contribution'' after ''applies'', and

(B) in the second sentence, by inserting ''(other than medical research contributions)'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to contributions made in taxable years beginning after December 31, 2000, and

(2) to contributions made on or before December 31, 2000, but only to the extent that a deduction would be allowed under section 170 of the Internal Revenue Code of 1986 for the taxable years beginning after December 31, 1999, had section 170(b)(1)(G) of such Code (as added by this section) applied to such contributions when made.

SEC. 3. TREATMENT OF CERTAIN INCENTIVE STOCK OPTIONS.

(a) AMT ADJUSTMENTS.—Section 56(b)(3) of the Internal Revenue Code of 1986 (relating to treatment of incentive stock options) is amended—

(1) by striking ''Section 421'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), section 421'', and

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

''(B) EXCEPTION FOR CERTAIN MEDICAL RESEARCH STOCK.—

''(i) IN GENERAL.—This paragraph shall not apply in the case of a medical research stock transfer.

''(ii) MEDICAL RESEARCH STOCK TRANSFER.—For purposes of clause (i), the term 'medical research stock transfer' means a transfer—

''(I) of stock which is traded on an established securities market,

(II) of stock which is acquired pursuant to the exercise of an incentive stock option within the same taxable year as such transfer occurs, and

''(III) which is a medical research contribution (as defined in section 170(b)(1)(G)(iv)).''.

(b) NONRECOGNITION OF CERTAIN INCENTIVE STOCK OPTIONS.—Section 422(c) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

''(8) MEDICAL RESEARCH CONTRIBUTIONS.—For purposes of this section and section 421, the transfer of a share of stock which is a medical research stock transfer (as defined in section 56(b)(3)(B)) shall be treated as meeting the requirements of subsection (a)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of stock made after the date of the enactment of this Act.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI):

S. 2777. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NOOA CHESAPEAKE BAY OFFICE REAUTHORIZATION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleagues, Senators WARNER, ROBB and MIKULSKI, to reauthorize and enhance the NOAA Chesapeake Bay Program office. This office, which was first established in 1992 pursuant to Public Law 102–567, serves as the focal point for all of NOAA's activities within the Chesapeake Bay watershed and is a vital part of the effort to

achieve the long-term goal of the Bay Program—restoring the Bay's living resources to healthy and balanced levels.

As the lead Federal agency responsible for marine science, NOAA has played a critical role in the restoration of the Chesapeake Bay and its living marine resources. Since 1984, when the Agency first signed a Memorandum of Understanding with EPA to participate in the Chesapeake Bay Program as a full Federal partner, NOAA has supported scientific investigations and conducted other important activities ranging from fisheries stock assessments to monitoring of algal blooms and tracking changes in tidal wetlands. This research has been essential to improving our understanding of the impacts of climate, harvest and pollution on the decline of anadromous fish, oysters and other marines species in the Bay and helping to develop management strategies for restoring living resources.

In order to better integrate NOAA's diverse efforts in the Bay region and provide a clear focal point within NOAA for Chesapeake Bay initiatives, in 1991 I introduced legislation to create a NOAA Chesapeake Bay Office or NCBO. The legislation authorized $2.5 million a year for the program and prescribed the office's principal functions as coordination, strategy development, technical and financial assistance and research dissemination. That legislation was incorporated in an overall NOAA authorization bill and became Public Law 102–567. To implement the initiative, NOAA established an office in Annapolis under the administration of the National Marine Fisheries Service and has been funding peer-reviewed research directed at the Bay's living resource problems, providing scientific expertise and technical assistance to Bay Program partners, working to involve other relevant NOAA elements in the Bay restoration and participating in a wide variety of Bay Program projects and activities. During the past eight years, the NCBO has made great strides in realizing the objectives of the NOAA Authorization Act of 1992 and the overall Bay Program living resource goals. Working with other Bay Program Partners, important progress has been made in surveying and assessing fishery resources in the Bay, developing fishery management plans for selected species, undertaking habitat restoration projects, removing barriers to fish passage, and undertaking important remote sensing and data analysis activities.

NOAA's responsibilities to the Bay restoration effort are far from complete, however. Some populations of major species of fish and shellfish in Chesapeake Bay such as shad and oysters, remain severely depressed, while others, such as blue crab are at risk. Bay-wide, some 16 of 25 ecologically important species are in decline or severe decline, due to disease, habitat loss, over-fishing and other factors. The underwater grasses that once sustained these fisheries are only at a fraction of their historic levels. Research and monitoring must be continued and enhanced to track living resource trends, evaluate the responses of the estuary's biota to changes in their environment and establish clear management goals and progress indicators for restoring the productivity, diversity and abundance of these species. Chesapeake 2000, the soon-to-be-signed new Bay Agreement, has identified several living resource goals which will require strong NOAA involvement to achieve.

The legislation which I am introducing would provide NOAA with additional resources and authority necessary to ensure its continued full participation in the Bay's restoration and in meeting with goals and objectives of Chesapeake 2000. First, this measure would move administration and oversight of the NOAA Bay Office from the National Marine Fisheries Service (NMFS) to the Office of the Undersecretary to help facilitate the pooling of all of NOAA's talents and take better advantage of NOAA's multiple capabilities. In addition to NMFS there are four other line offices within NOAA with programs and responsibilities critical to the Bay restoration effort—the Office of Oceanic and Atmospheric Research, National Ocean Service, National Weather Service, and National Environmental Satellite, Data and Information Service. Getting these different line offices to pool their resources and coordinate their activities is a serious challenge when they do not have a direct stake or clear line of responsibility to the Chesapeake Bay Program. Placing the NOAA Bay office within the Under Secretary's Office will help assure the coordination of activities across all line organizations of NOAA.

Second, the legislation authorizes and directs NOAA to undertake a special five-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate other federal agencies, to develop the knowledge base required for understanding multi-species interactions and developing multi-species management plans. To date, fisheries management in Chesapeake Bay and other waters, has been largely based upon single-species plans that often ignore the critical relationships between water and habitat quality, ecosystem health and the food webs that support the Bay's living resources. There is a growing consensus between scientific leaders and managers alike that we must move beyond the one-species-at-a-time approach toward a wider, multi-species and ecosystem perspective. Chesapeake 2000 calls for developing multi-species management plans for targeted species by the year 2005 and implementing the plans by 2007. In order to achieve these goals, NOAA must take a leadership role and support a sustained research and monitoring program.

Third, the legislation authorizes NOAA to carry out a small-scale fishery and habitat restoration grant and technical assistance program to help citizens organizations and local governments in the Chesapeake Bay watershed undertake habitat, fish and shellfish restoration projects. Experience has shown that, with the proper tools and training, citizens' groups and local communities can play a tremendous role in fisheries and habitat protection and restoration efforts. The Chesapeake Bay Foundation's oyster gardening program, for example, has proven to be highly successful in training citizens to grow oysters at their docks to help restore oysters' populations in the Bay. The new Bay Agreement has identified a critical need to not only to expand and promote community-based programs but to restore historic levels of oyster production, restore living resource habitat and submerged aquatic vegetation. The NOAA small-grants program, which this bill would authorize, would complement EPA's Chesapeake Bay small watershed program, and make ''seed'' grants available on a competitive, cost-sharing basis to local governments and nonprofit organizations to implement hands-on projects such as improvement of fish passageways, creating artificial or natural reefs, restoring wetlands and sea-grass beds, and producing oysters for restoration projects.

Fourth, the legislation would establish an internet-based Coastal Predictions Center for the Chesapeake Bay. Resource managers and scientists alike agree that we must make better use of the various modeling and monitoring systems and new technologies to improve prediction capabilities and response to physical and chemical events within the Bay and tributary rivers. There are substantial amounts of data collected and compiled by Federal, state and local government agencies and academic institutions including information on weather, tides, currents, circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions. Unfortunately, little of this data is coordinated and organized in a manner that is useful to the wide range of potential users. The Coastal Predictions Center would serve as a knowledge bank for assembling monitoring and modeling data from relevant government agencies and academic institutions, interpreting that data, and organizing it into products that are useful to resource managers, scientists and the public.

Finally, the legislation would increase the authorization for the NOAA Bay Program from the current level of

$2.5 million to $6 million per year to enhance current activities and to carry out these new initiatives. For more than a decade, funding for NOAA's Bay Program has remained static at an annual average of $1.9 million. If we are to achieve the ultimate, long-term goal of the Bay Program—protecting, restoring and maintaining the health of the living resources of the Bay—additional financial resources must be provided.

Mr. President, this legislation will provide an important boost to our efforts to restore the Bay's living resources. It is strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation and members of the scientific community. I ask unanimous consent that the full text of the measure and supporting letters be printed in the RECORD immediately following my statement.

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

S. 2777

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 ''NOAA Chesapeake Bay Office Reauthorization Act of 2000''.

SEC. 2. CHESAPEAKE BAY OFFICE.

(a) ESTABLISHMENT.—Section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by striking ''Estuarine Resources''; and

(2) by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this subparagraph, the Office shall be administered by the Office of the Under Secretary of Commerce for Oceans and Atmosphere.

''(B) DIRECTOR.—The Secretary of Commerce shall appoint as Director of the Office an individual who has knowledge of and experience in research or resource management efforts in the Chesapeake Bay.''.

(b) FUNCTIONS.—Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration and the Chesapeake Bay Regional Sea Grant Programs, including—

''(A) programs and activities in—

''(i) coastal and estuarine research, monitoring, and assessment;

''(ii) fisheries research and stock assessments;

''(iii) data management;

''(iv) remote sensing;

''(v) coastal management;

''(vi) habitat conservation and restoration; and

''(vii) atmospheric deposition; and

''(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

''(i) nonindigenous species;

''(ii) marine species pathology;

''(iii) human pathogens in marine environments; and

''(iv) ecosystems health;''; and

(2) in paragraph (7), by striking the period at the end and inserting the following: '', which report shall include an action plan consisting of—

''(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

''(B) proposals for—

''(i) continuing and new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

''(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.''.

(c) CONFORMING AMENDMENT.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking the section heading and inserting the following:

''SEC. 307. CHESAPEAKE BAY OFFICE.''.

SEC. 3. MULTIPLE SPECIES MANAGEMENT STRATEGY; CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM; COASTAL PREDICTION CENTER.

The National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended by inserting after section 307 (15 U.S.C. 1511d) the following:

''SEC. 307A. MULTIPLE SPECIES MANAGEMENT STRATEGY.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall commence a 5-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate Federal agencies—

''(1) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

''(2) to develop a multiple species management strategy for the Chesapeake Bay.

''(b) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under subsection (a), the study shall—

''(1) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay estuaries and are selected for study;

''(2) evaluate and assess interactions among the fish and shellfish described in paragraph (1) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

''(3) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

''SEC. 307B. CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM.

''(a) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in cooperation with the Chesapeake Executive Council (as defined in section 307(e)), shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

''(b) PROJECTS.—

''(1) SUPPORT.—The Director shall make grants under the program under subsection (a) to pay the Federal share of the cost of projects that are carried out by eligible entities described in subsection (c) for the restoration of fisheries and habitats in the Chesapeake Bay.

''(2) FEDERAL SHARE.—The Federal share under paragraph (1) shall not exceed 75 percent.

''(3) TYPES OF PROJECTS.—Projects for which grants may be made under the program include—

''(A) the improvement of fish passageways;

''(B) the creation of natural or artificial reefs or substrata for habitats;

''(C) the restoration of wetland or sea grass;

''(D) the production of oysters for restoration projects; and

''(E) the restoration of contaminated habitats in the Chesapeake Bay watershed.

''(c) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under the program under this section:

''(1) The government of a political subdivision of a State in the Chesapeake Bay watershed and the government of the District of Columbia.

''(2) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

''(d) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this section.

''SEC. 307C. COASTAL PREDICTION CENTER.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the 'Director'), in collaboration with regional scientific institutions, shall establish a coastal prediction center for the Chesapeake Bay (referred to in this section as the 'center').

''(2) PURPOSE OF CENTER.—The center shall serve as a knowledge bank for—

''(A) assembling, integrating, and modeling coastal information and data from appropriate government agencies and scientific institutions;

''(B) interpreting the data; and

''(C) organizing the data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

''(b) ACTIVITIES.—

''(1) INFORMATION AND PREDICTION SYSTEM.—The center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning—

''(A) climate;

''(B) land use;

''(C) coastal pollution;

''(D) coastal environmental quality;

''(E) ecosystem health and performance;

''(F) aquatic living resources and habitat conditions; and

''(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events within the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(2) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal,

State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the center.

''(3) AGREEMENTS RELATING TO INFORMATION PRODUCTS.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the center.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking subsection (d) and inserting the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of fiscal years 2001 through 2004.

''(2) AMOUNTS FOR NEW PROGRAMS.—Of the amount authorized to be appropriated for each fiscal year under paragraph (1)—

''(A) not more than $2,500,000 shall be available to carry out section 307A;

''(B) not more than $1,000,000 shall be available to carry out section 307B; and

''(C) not more than $500,000 shall be available to carry out section 307C.''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e) (106 Stat. 4285).

SEC. 5. TECHNICAL CORRECTION.

Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended by striking ''Chesapeake Bay Executive Council'' and inserting ''Chesapeake Executive Council''.

CHESAPEAKE BAY COMMISSION,
June 12, 2000.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR SARBANES: We understand that you will soon be introducing legislation to reauthorize NOAA's Chesapeake Bay Program. This broadened, $6 million reauthorization would allow NOAA to better address multi-species management issues, to establish a complementary grants program in support of local community projects throughtout the Bay, and to make additional contributions that enhance the restoration of oysters in the estuary.

This legislation provides another enhanced mechanism for meeting the ambitious restoration and protection goals contained in the Chesapeake 2000 agreement that we and our Bay partners are signing on June 28. The members of the Chesapeake Bay Commission look forward to the enactment on this NOAA reauthorization and offer our full support and assistance as it moves through the Congress.

Sincerely,

BILL BOLLING,
Chairman.
BRIAN E. FROSH,
Vice-Chairman.
ARTHUR D. HERSHEY,
Vice-Chairman.

CHESAPEKE BAY FOUNDATION,
June 20, 2000.

Hon. PAUL S. SARBANES,
Hart Building,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Foundation fully supports your new bill that would reauthorize and enhance the NOAA Chesapeake Bay Program. We greatly appreciate your leadership on this legislation and your persistent pursuit of a restored Bay.

The NOAA Bay Program originally was authorized in 1992 and has been a major contributor in protecting and restoring the Bay. The NOAA Bay office has provided a clear focal point within NOAA for Chesapeake Bay initiatives, involving all relevant NOAA entities in Bay restoration efforts, managing peer-reviewed research, and strengthening NOAA's interactions with Chesapeake Bay partners.

One of the NOAA Bay Program's yearly achievements is its fishery stock assessment. This work is crucial to gauging and managing the health of the Bay's fisheries. In addition, the NOAA Bay Program contributes to ecosystem management, community-based restoration activities, data analysis, and information management. NOAA Bay Program employees participate on Chesapeake Bay Program committees and they chair the Chesapeake Bay Environmental Effects Committee and the Chesapeake Bay Stock Assessment Committee.

Recently, the NOAA Bay Program made a major commitment to restoring the Bay's oyster population, which provides vital filtering of polluted water and unique habitat for marine life. CBF views restoring the oyster population as one of the most important steps we can take to restore the health of the Bay.

This new bill would consolidate authority for the Program's base funding with other line item programs, such as oyster recovery and multi-species initiatives. Moreover, the bill requires the NOAA Bay Program to help the Bay states meet the goals of the Chesapeake 2000 Agreement. The small watershed grants section, which is a new initiative, would be used for projects like Susquehanna River fish passages, oyster reef reconstruction, and other citizen-led, hands-on projects.

Lastly, the bill increases authorization to $6 million each year to carry out these activities. The Chesapeake Bay is the most productive estuary in the world and its vast fisheries and marine resources deserve that level of commitment from the federal government.

This bill represents a tremendous boost for CBF's and NOAA's efforts to Save the Bay. We look forward to working with you to secure passage of this exciting new legislation.

Very Truly Yours,

MICHAEL F. HIRSHFIELD, PHD.,
Vice-President, Resource Protection.

By Mr. KOHL (for himself, Mr. DEWINE, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, and Mr. FEINGOLD):

S. 2778. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

THE NO OIL PRODUCING AND EXPORTING CARTELS (NOPEC) ACT OF 2000

Mr. KOHL. Mr. President, we have all watched in the last few weeks as gas prices have skyrocketed across the country, reaching an average price for regular gas of $ 1.68 per gallon. The situation is even worse in Wisconsin and other Midwestern states. The Milwaukee Journal Sentinel reported on June 21 that the average price in Milwaukee for regular gas has reached $2.05 per gallon, and reports of consumers paying as much as $2.30 or more are not uncommon. We need to take action, and take action now, to combat this unjustified rise in gas prices that takes hard-earned dollars away from average citizens every time they visit the gas pump. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, and GRASSLEY, to introduce the ''No Oil Producing and Exporting Cartels Act of 2000'', ''NOPEC''.

We have all heard many explanations offered for this rise in gas prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of ''reformulated'' gas in the Midwest. Some even claim that refiners and distributors are illegally fixing prices, and I am glad to see that the Federal Trade Commission, at the request of the Wisconsin delegation and Senator DEWINE, has now launched an investigation to figure out if these allegations are true. And these are just a few of the reasons that have been offered.

But one cause of these escalating prices is indisputable. This is the price fixing conspiracy of the OPEC nations, a conspiracy that for years has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC but, sadly, until now no one has tried to take any action to put it out of business. NOPEC will, for the first time, establish, clearly and plainly, that when a group of competing oil producers like OPEC agrees to act together to restrict supply or set prices they are violating U.S. law, and it will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of ''Sovereign Immunity'' or ''Act of State'' to escape the reach of American justice.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of our most basic principles of antitrust law as nothing more than an illegal price fixing scheme if this cartel was a group of international private companies rather than foreign governments. But OPEC members have used the shield of ''sovereign immunity'' to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the ''commercial'' activity of nations is not protected by sovereign immunity. And it is hard to imagine an

activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court holding and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

Mr. President, in recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to recognize that Mr. Pinochet could be held accountable in Britain for allegations of human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. This principle is the foundation upon which the entire body of competition law rests. In this era of increasing globalization, when we truly need to open international markets to ensure the prosperity of all, we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel and will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

Mr. DEWINE. Mr. President, today Senators KOHL, SPECTER, LEAHY, GRASSLEY, FEINGOLD, and I have introduced the ''No Oil Producing and Exporting Cartels Act of 2000'', NOPEC. We do so to address the long-standing problem of foreign governments acting in the commercial arena to fix, allocate, and establish production and price levels of petroleum products.

More than two months ago, Senators SPECTER, KOHL, THURMOND, SCHUMER, Biden, and I sent a letter to the President asking him to seriously consider legal action to put an end to the cartel behavior of OPEC nations. The White House has failed to take any action, and it appears that there are some within the Administration who believe there may be legal stumbling blocks to such a lawsuit. During the time in which the Administration has failed to take action, we have witnessed gas prices begin to rise again. Most notable are the unexplainable, sharp price increases in several Midwestern states. These price increases have harmed many in Ohio and across the Midwest. There is no relief in sight. Many are speculating about the cause of the price-spikes. One cause is indisputable—the unacceptably high price of imported crude oil set by the OPEC cartel.

Nation after nation has adopted antitrust enforcement principles that recognize the illegality of price fixing and other restraints of trade. Yet OPEC is undeterred, and continues to flout broadly accepted legal principles and artificially restrains the production of oil. It is time for internationally recognized principles of competition to operate in the oil and petroleum industry—just as they do in other markets.

The purpose of NOPEC is simple and straightforward. It makes clear that the U.S. enforcement agencies may bring antitrust enforcement actions against foreign states which violate antitrust laws in the production and sale of oil and other petroleum products, and it establishes that the district courts have jurisdiction and authority to consider such cases.

NOPEC does this by amending the Sherman Antitrust Act and the Foreign Sovereign Immunities Act, ''FSIA''. Under FSIA, the governmental activities of foreign governments are immune from the jurisdiction of the federal courts. A lower federal court has ruled—we believe erroneously—that the conduct of OPEC nations in relation to oil production and exportation are governmental, not commercial activities, and thus immune. NOPEC corrects this ruling, and clarifies the law, specifically removing immunity from foreign governments when they are engaged in the limitation of the production or distribution of oil and other petroleum products. NOPEC also makes clear that the federal courts should not decline to make a determination on the merits of an action brought under NOPEC based on the ''act of state'' doctrine.

This legislation will send a strong signal to OPEC nations that their agreements restrain trade and harm American consumers. This will no longer be accepted. Our legislation will allow the U.S. enforcement agencies to do their jobs and enforce the antitrust laws.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. KOHL, Mr. HUTCHINSON, Mr. TORRICELLI, and Mr. KERRY):

S. 2779. A bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes; to the Committee on Finance.

THE AMERICAN COMMUNITY RENEWAL AND NEW MARKETS EMPOWERMENT ACT

Mr. KERRY. Mr. President, today I am joining colleagues on both sides of the aisle to introduce the American Community Renewal and New Markets Empowerment Act. Demonstrating that Congress can constructively work together and find common ground, we—Senators LIEBERMAN, TORRICELLI, KOHL, SANTORUM, ABRAHAM, and HUTCHINSON—unveiled a plan that creates economic incentives to help close America's wealth gap. Among many important initiatives, our plan includes my new markets legislation that I introduced last September, S. 1594, the Community Development and Venture Capital Act, and full funding for Round II of Empowerment Zones.

This plan builds on the President's and Speaker's agreement by securing full, mandatory funding for Massachusett's Empowerment Zone. So far, the money has dribbled in—only $6.6 million of the $100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some 80 public and private entities, from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—these groups agreed to match the $100 million in Federal Empowerment Zone money with $800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategic plan because Congress hasn't held its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes 57,000 residents who live in Roxbury, Dorchester and Mattipan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don't even have a high school diploma.

Mr. President, this bill also includes an initiative that I introduced last year called the Community Development and Venture Capital Act. Its purpose is to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses that are located in impoverished rural and urban areas, known as new markets, or that employ low-income people. We call these areas new markets because of the overlooked business opportunities. According to Michael Porter, a respected professor at Harvard and business analyst who has written extensively on competitiveness, ''. . . inner cities are the largest underserved market in America,

with many tens of billions of dollars of unmet consumer and business demand.''

Both innovative and fiscally sound, my new markets initiative is financially structured similar to Small Business Administration (SBA's), successful Small Business Investment Company (SBIC), program, and incorporates a technical assistance component similar to that successfully used in SBA's microloan program. However, unlike the SBIC program which focuses solely on small businesses with high-growth potential and claims successes such as Staples and Calaway Golf, the New Markets Venture Capital program will focus on smaller businesses that show promise of financial and social returns, such as jobs—what we call a ''double bottomline.''

To get at the complex and deep-rooted economic problems in new market areas, my initiative has three parts: a venture capital program to funnel investment money into our poorest communities, a program to expand the number of venture capital firms that are devoted to investing in such communities, and a mentoring program to link established, successful businesses with businesses and entrepreneurs in stagnant or deteriorating communities in order to facilitate the learning curve.

What I'm trying to do as Ranking Member of the Small Business Committee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest communities.

But, Mr. President, this bill even goes further than funding empowerment zones and establishing incentives to attract venture capital into distressed communities. It enhances education opportunities, creates individual development accounts to help low-income families save and invest in their future, increases affordable housing, improves access to technology in our classrooms and creates incentives to help communities remediate brownfields.

Before closing, I want to thank my colleauges for working so hard on this compromise and for their admirable willingness to put aside our differences for a larger purpose.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 577

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 682

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1159

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1159, supra.

S. 1941

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2327

At the request of Mr. HOLLINGS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2327, a bill to establish a Commission on Ocean Policy, and for other purposes.

S. 2341

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2341, supra.

S. 2344

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2504

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2504, a bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide.

S. 2505

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and

to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2639

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S . 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2675

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2719

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2719, a bill to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2731

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week.''

S. RES. 254

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Idaho (Mr. CRAIG), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3476

At the request of Mr. MCCONNELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3476 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.

AMENDMENT NO. 3519

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3519 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.

AMENDMENT NO. 3520

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 3520 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. MCCONNELL, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of amendment No. 3520 proposed to S. 2522, supra.

AMENDMENT NO. 3527

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3527 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.

AMENDMENT NO. 3536

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3536 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.

AMENDMENT NO. 3541

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of amendment No. 3541 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. LEVIN, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3541 proposed to S. 2522, supra.

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 3541 proposed to S. 2522, supra.

AMENDMENT NO. 3542

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3542 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.

AMENDMENT NO. 3558

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of amendment No. 3558 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.

AMENDMENT NO. 3569

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of amendment No. 3569 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.

SENATE RESOLUTION 326—DESIGNATING THE COWBOY POETRY GATHERING IN ELKO, NEVADA, AS THE ''NATIONAL COWBOY POETRY GATHERING''

Mr. BRYAN submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 326

Whereas working cowboys and the ranching community have contributed greatly to the establishment and perpetuation of western life in the United States;

Whereas the practice of composing verses about life and work on the range dates back to at least the trail drive era of the late 19th century;

Whereas the Cowboy Poetry Gathering has revived and continues to preserve the art of cowboy poetry by increasing awareness and appreciation of this tradition-based art form;

Whereas the reemergence of cowboy poetry both highlights recitation traditions that are a central form of artistry in communities throughout the West and promotes popular poetry and literature to the general public;

Whereas the Cowboy Poetry Gathering serves as a bridge between urban and rural people by creating a forum for the presentation of art and for the discussion of cultural issues in a humane and non-political manner;

Whereas the Western Folklife Center in Reno, Nevada, established and hosted the inaugural Cowboy Poetry Gathering in January of 1985;

Whereas since its inception 16 years ago, some 200 similar local spin-off events are now held in communities throughout the West; and

Whereas it is proper and desirable to recognize Elko, Nevada, as the original home of the Cowboy Poetry Gathering: Now, therefore, be it

Resolved, That the Senate designates the Cowboy Poetry Gathering in Elko, Nevada, as the ''National Cowboy Poetry Gathering''.

SENATE RESOLUTION 327—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES EFFORTS TO ENCOURAGE THE GOVERNMENTS OF FOREIGN COUNTRIES TO INVESTIGATE AND PROSECUTE CRIMES COMMITTED IN THOSE COUNTRIES IN THE NAME OF FAMILY HONOR AND TO PROVIDE RELIEF FOR VICTIMS OF THOSE CRIMES

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 327

Whereas thousands of women around the world are killed and maimed each year in the name of family ''honor'';

Whereas the United Nations Commission on Human Rights, 56th Session, January 2000, working with the Special Rapporteurs on violence against women and extrajudicial, summary or arbitrary executions, received reports of so-called ''honor killings'' from numerous countries, including Bangladesh, Jordan, India, Pakistan, Ecuador, Uganda, and Morocco, and noted that such killings take many forms, such as flogging, forced suicide, stoning, beheading, acid-throwing, and burning;

Whereas, according to the 1999 report of the Department of State on human rights, so-called ''crimes of honor'' in Bangladesh include acid-throwing and whipping of women accused of moral indiscretion;

Whereas authorities in Bangladesh expect as many as 200 honor killings in that country in 2000;

Whereas thousands of Pakistani women, including young girls, are stabbed, burned, or maimed every year by husbands, fathers, and brothers who accuse them of dishonoring their family by being unfaithful, seeking a divorce, or refusing an arranged marriage;

Whereas Jordan, which had 20 reported honor killings in 1998, still has laws reducing the penalty for or exempting perpetrators of honor crimes, and the Jordanian parliament has twice failed to repeal those laws;

Whereas the King of Jordan has taken the commendable action of establishing Jordan's Royal Commission on Human Rights, chaired by the Queen of Jordan, primarily to address obstacles, including the persistence of honor crimes, that prevent women and children from exercising their basic human rights;

Whereas more than 5,000 dowry deaths occur every year in India, according to the United Nations Children's Fund (UNICEF), which reported in 1997 that a dozen women die each day in kitchen fires, disguised as accidents, because their husbands' families are dissatisfied over the size of the women's dowries;

Whereas women accused of adultery in Afghanistan, the United Arab Emirates, Pakistan, and a host of other countries are subject to a maximum penalty of death by stoning;

Whereas, even though honor killings may be outlawed, law enforcement and judicial systems often fail properly to investigate, arrest, and prosecute offenders, and laws frequently permit such reductions in sentences or exemptions from prosecution to those who kill in the name of honor that the results are typically token punishments, impunity, and continued violence against women; and

Whereas the right to life is the most fundamental of all rights and must be guaranteed to every individual without discrimination, and the perpetuation of honor killings and dowry deaths is a deliberate violation of women's human rights that should be universally condemned: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, through the United States Agency for International Development, should work with law enforcement and judicial agencies of foreign governments to encourage the adoption of legal system reforms that provide for the effective investigation and prosecution of crimes known as ''honor crimes'';

(2) the President, through the United States Agency for International Development, should make available to local organizations in foreign countries sufficient resources to provide refuge and rehabilitation for women who are victims of honor crimes and to sustain their children;

(3) the Secretary of State, when preparing annual country reports on human rights practices, should include information relating to the incidence of honor violence in foreign countries, the steps taken by foreign governments to address the problem of honor violence, and all relevant actions taken by the United States, whether through diplomacy or foreign assistance programs, to reduce the incidence of honor violence and increase investigations and prosecutions of such crimes;

(4) the President should—

(A) communicate to the United Nations the concern over the high rate of honor-related violence toward women in foreign countries worldwide; and

(B) request that the appropriate United Nations bodies, in consultation with relevant nongovernmental organizations, propose actions to be taken to encourage those countries to demonstrate strong efforts to end such violence; and

(5) the President and the Secretary of State should, through direct communication with leaders of countries where honor killings, dowry deaths, and related practices are endemic—

(A) convey the most serious concerns of the United States about these gross violations of human rights; and

(B) urge the leaders of those countries to investigate and prosecute as murders all such acts with a view to punishing the perpetrators of those acts to the maximum extent provided under law for other murders in those countries.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPECTER (AND HARKIN) AMENDMENT NO. 3590

Mr. SPECTER (for himself and Mr. HARKIN) proposed an amendment to the bill (H.R. 4577) making appropriations 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; as follows:

Strike all after the enacting clause, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $2,990,141,000 plus reimbursements, of which $1,718,801,000 is available for obligation for the period July 1, 2001 through June 30, 2002, of which $1,250,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $153,452,000, together with not to exceed $3,095,978,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $153,452,000, together with not to exceed $763,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $107,651,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $103,342,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such 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 (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed $11,652,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $350,779,000, together with $1,985,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means,

that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $30,510,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $19,971,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2001 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1) (2) (4) and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2001 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $30,393,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $21,590,000 for transfer to Departmental Management, ''Salaries and Expenses''; $318,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into Miscellaneous Receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $425,983,000, including not to exceed $88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $244,747,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2001 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $369,327,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,000,000 which shall be available

for obligation for the period July 1, 2001 through June 30, 2002, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements, of Departmental bilateral and multilateral foreign technical assistance, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2002, $30,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $337,964,000: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): *Provided further*, That beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an assistant secretary: *Provided further*, That of amounts provided under this head, not more than $23,002,000 is for this purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,913,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $19,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,015,000, together with not to exceed $4,770,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. EXTENDED DEADLINE FOR EXPENDITURE. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking ''3 years'' and inserting ''5 years''.

SEC. 104. ELIMINATION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR PERFORMANCE BONUSES. (a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended as follows:

(1) Section 403(a)(5)(A)(i) (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking ''(I)'' and inserting ''(H)''; and

(ii) by striking ''(G), and (H)'' and inserting ''and (G)''; and

(B) in item (bb), by striking ''(F)'' and inserting ''(E)''.

(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603(a)(5)(B)(v)) is amended in the matter preceding subclause (I) by striking ''(I)'' and inserting ''(H)''.

(4) Subparagraphs (E), (F), and (G)(i) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking ''(I)'' and inserting ''(H)''.

(5) Section 412(a)(3)(A) (42 U.S.C. 612(a)(3)(A)) is amended by striking ''403(a)(5)(I)'' and inserting ''403(a)(5)(H)''.

(c) FUNDING AMENDMENT.—Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i))(II) (as redesignated by subsection (a) of this section and as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended by striking ''$1,450,000,000'' and inserting ''$1,400,000,000''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,522,424,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $10,000,000 shall be available for the construction and renovation of health care and other facilities, of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 221 of the Health Insurance Portability and Accountability Act of 1996, shall be sufficient to recover the full costs of operating the Program, and shall remain available to carry out that Act until expended: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $253,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $538,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

RICKY RAY HEMOPHILIA RELIEF FUND PROGRAM

For payment to the Ricky Ray Hemophilia Relief Fund, as provided by Public Law 105–369, $85,000,000, of which $10,000,000 shall be for program management.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $3,204,496,000, of which $175,000,000 shall remain available until expended for the facilities master plan for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $91,129,000 shall be available from amounts available under section 241 of the Public Health Service Act: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48. CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,804,084,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,328,102,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $309,923,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,318,106,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,189,425,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,066,526,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,554,176,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $986,069,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $516,605,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $508,263,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $794,625,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $401,161,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $303,541,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $106,848,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $336,848,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $790,038,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,117,928,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $385,888,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $775,212,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $75,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $100,089,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $61,260,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $256,953,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $352,165,000, of which $48,271,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or

used by the National Institutes of Health, including the acquisition of real property, $148,900,000, to remain available until expended, of which $47,300,000 shall be for the neuroscience research center: *Provided,* That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,730,757,000: *Provided,* That in addition to amounts provided herein, $12,000,000 shall be available from amounts available under section 241 of the Public Health Services Act, to carry out the National Household Survey on Drug Abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $269,943,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, $36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,018,500,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That $3,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That administrative fees collected relative to Medicare overpayment recovery activities shall be transferred to the Health Care Fraud and Abuse Control (HCFAC) account, to be used for Medicare Integrity Program (MIP) activities in addition to the amounts already specified, and shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $300,000,000: *Provided,* That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $418,321,000, to remain available through September 30, 2003.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,265,000.

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,473,880,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, $817,328,000: *Provided,* That of the funds appropriated for fiscal year 2001, $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That of the funds appropriated for fiscal year 2001, in addition to the amounts required to be reserved by the States under section 658G, $222,672,000 shall be reserved by the States for activities authorized under section 658G, of which $60,000,000 shall be for activities that improve the quality of infant and toddler child care.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $600,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be $600,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public

Law 100–485, $7,881,586,000, of which $41,791,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $134,074,000, to remain available until expended, shall be for activities authorized by sections 40155, 40211, and 40241 of Public Law 103–322; of which $606,676,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,267,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,868,100,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $954,619,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $206,766,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,849,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $20,742,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For public health and social services, $264,600,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.6 percent, of any amounts appropriated for programs authorized under the PHS Act shall be made available for the evaluation (directly or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.''.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2001 for programs under this subpart shall not be less than such State's allotment for such programs for fiscal year 2000.''.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, and 2000'' and inserting ''1997, 1998, 1999, 2000 and 2001''; and

(B) in subsection (e), by striking ''October 1, 2000'' each place it appears and inserting ''October 1, 2001''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

SEC. 214. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2001 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services).

SEC. 215. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by December 15, 2000 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) ADDITIONAL STATE FUNDS.—The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2000 State expenditures and all fiscal year 2001 obligations for tobacco prevention and compliance activities by program activity by July 31, 2001.

(d) ENFORCEMENT OF STATE OBLIGATIONS.—The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 216. Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii)—

(i) by striking ''1999, 2000, and 2001'' and inserting ''1999 and 2000''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for fiscal year 2001, a grant in an amount equal to the amount of the grant to the State under clause (i) for fiscal year 1998.'' and

(2) in subparagraph (G), by inserting at the end, ''Upon enactment, the provisions of this Act that would have been estimated by the Director of the Office of Management and Budget as changing direct spending and receipts for fiscal year 2001 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), to the extent such changes would have been estimated to result in savings in fiscal year 2001 of $240,000,000 in budget authority and $122,000,000 in outlays, shall be treated as if enacted in an appropriations act pursuant to Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, thereby changing discretionary spending under section 251 of that Act.''.

SEC. 217. (a) Notwithstanding Section 2104(f) of the Social Security Act (the Act), the Secretary of Health and Human Services shall reduce the amounts allotted to a State under subsection (b) of the Act for fiscal year 1998 by the applicable amount with respect to the State; and

(b) Notwithstanding Section 2104(a) of the Act, the Secretary shall increase the amount otherwise payable to each State under such subsection for fiscal year 2003 by the amount of the reduction made under paragraph (a) of this section. Funds made available under this subsection shall remain available through September 30, 2004.

(c) APPLICABLE AMOUNT DEFINED.—In subsection (a), with respect to a State, the term ''applicable amount'' means, with respect to a State, an amount bearing the same proportion to $1,900,000,000 as the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000, which would otherwise be redistributed to States in fiscal year 2001 under Section 2104(f) of the Act, bears to the sum of the unexpended balances of fiscal year 1998 allotments for all States as of September 30, 2000: *Provided*, That, the applicable amount for a State shall not exceed the unexpended balance of its fiscal year 1998 allotment as of September 30, 2000.

TITLE III—DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

EDUCATION REFORM

For carrying out activities authorized by title IV of the Goals 2000: Educate America Act as in effect prior to September 30, 2000, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,434,500,000, of which $40,000,000 shall be for the Goals 2000: Educate America Act, and of which $192,000,000 shall be for section 3122: *Provided*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: *Provided further*, That, notwithstanding part I of title X of the Elementary and Secondary Education Act of 1965 or any other provision of law, a community-based organization that has experience in providing before- and after-school services shall be eligible to receive a grant under that part, on the same basis as a school or consortium described in section 10904 of that Act, and the Secretary shall give priority to any application for such a grant that is submitted jointly by such a community-based organization and such a school or consortium.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 2000, but are not eligible to receive such a grant for fiscal year 2001: *Provided further*, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 2000, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: *Provided further*, That notwithstanding any other provision of law, in calculating the amount of Federal assistance awarded to a State or local educational agency under any program under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) on the basis of a formula described in section 1124 or 1124A of such Act (20 U.S.C. 6333, 6334), any funds appropriated for the program in excess of the amount appropriated for the program for fiscal year 2000 shall be awarded according to the formula, except that, for such purposes, the formula shall be applied only to States or local educational agencies that experience a reduction under the program for fiscal year 2001 as a result of the application of the 100 percent hold harmless provisions under the heading ''Education for the Disadvantaged'': *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any

other program administered by the Secretary in any fiscal year.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,030,000,000, of which $818,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $82,000,000, to remain available until expended, shall be for payments under section 8003(f), $25,000,000 shall be for construction under section 8007, $47,000,000 shall be for Federal property payments under section 8002 and $8,000,000 to remain available until expended shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; $4,672,534,000, of which $1,100,200,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which $2,915,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001–2002: *Provided*, That of the amount appropriated, $435,000,000 shall be for Eisenhower professional development State grants under title II–B and $3,100,000,000 shall be for title VI and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That of the amount made available for Title VI, $2,700,000,000 shall be available, notwithstanding any other provision of law, for purposes consistent with title VI to be determined by the local education agency as part of a local strategy for improving academic achievement: *Provided further*, That these funds may also be used to address the shortage of highly qualified teachers to reduce class size, particularly in early grades, using highly qualified teachers to improve educational achievement for regular and special needs children; to support efforts to recruit, train and retrain highly qualified teachers or for school construction and renovation of facilities, at the sole discretion of the local educational agency.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and $195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $443,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $7,352,341,000, of which $2,464,452,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which $4,624,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: *Provided*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–113, increased by the rate of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,799,519,000: *Provided*, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 (''the AT Act''), each State shall be provided $50,000 for activities under section 102 of the AT Act: *Provided further*, That notwithstanding section 105(b)(1) and section 101(f)(2) and (3) of the Assistive Technology Act of 1998, each State shall be provided a minimum of $500,000 for activities under section 101: *Provided further*, That $7,000,000 shall be used to support grants for up to three years to states under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $12,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,366,000, of which $7,176,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $87,650,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

OFFICE OF VOCATIONAL AND ADULT EDUCATION

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,726,600,000, of which $1,000,000 shall remain available until expended, and of which $929,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which $791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,600,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That $9,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That up to 15 percent of the funds provided may be used by the national entity designated under section 118(a) to cover the cost of authorized activities and operations, including Federal salaries and expenses: *Provided further*, That the national entity is authorized, effective upon enactment, to charge fees for publications, training, and technical assistance developed by that national entity: *Provided further*, That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, may be credited to the national entity's account and shall be available to the national entity, without fiscal year limitation, so long as such revenues are used for authorized activities and operations of the national entity: *Provided further*, That of the funds made available to carry out section 204 of the Perkins Act, all funds that a State receives in excess of its prior-year allocation shall be competitively awarded: *Provided further*, That in making these awards, each State shall give priority to consortia whose applications most effectively integrate all components under section 204(c): *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,500,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: *Provided further*, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $10,624,000,000, which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001–2002 shall be $3,650: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award

year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

OFFICE OF POSTSECONDARY EDUCATION

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,694,520,000, of which $10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $11,000,000, to remain available through September 30, 2002, shall be available to fund fellowships under part A, subpart 1 of title VII of said Act, of which up to $1,000,000 shall be available to fund fellowships for academic year 2001–2002, and the remainder shall be available to fund fellowships for academic year 2002–2003: *Provided further*, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That section 404F(a) of the Higher Education Amendments of 1998 is amended by striking out ''using funds appropriated under section 404H that do not exceed $200,000'' and inserting in lieu thereof ''using not more than 0.2 percent of the funds appropriated under section 404H''.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $224,000,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102, section 10105, and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $496,519,000: *Provided*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,500,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That $40,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That of the funds available for section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $150,000 shall be awarded to the Center for Educational Technologies to complete production and distribution of an effective CD–ROM product that would complement the ''We the People: The Citizen and the Constitution'' curriculum: *Provided further*, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term ''developing countries'' shall have the same meaning as the term ''developing country'' in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $396,672,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $73,224,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $35,456,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $69,832,000, of which $9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations. In addition, for completion of the long-term care facility at the United States Naval Home, $6,228,000 to become available on October 1, 2001, and remain available until expended.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $302,504,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, $365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or

used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further,* That in addition to the amounts provided above, $20,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $38,200,000, including $1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,320,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,000,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,615,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,350,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $216,438,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,400,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,720,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $160,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $92,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, $114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,053,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $210,000,000, to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first

quarter of fiscal year 2002, $10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,469,800,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $450,000,000, to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $91,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed $91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,944,000, together with not to exceed $52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $12,951,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY 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 be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2001, for each such account for the purposes authorized: *Provided*, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. RESTORING BENEFIT PAYMENTS TO APPROPRIATE YEAR. Section 5527 of Public Law 105–33 is repealed.

SEC. 516. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170) is amended by striking ''2009'' both places it appears and inserting ''2001''.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001''.

DEWINE (AND OTHERS) AMENDMENT NO. 3591

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. GORTON, Mr. GRAHAM, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 70, line 7, insert before the period the following: '': *Provided*, That $10,000,000 shall be made available to the Secretary of Education for the Troops-to-Teachers Program for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense, such funds to be used by the Secretary of Defense to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 594 of the Troops-to-Teachers Program Act of 1999: *Provided further*, That the Secretary of Education may retain a portion of such funds to identify local educational agencies with teacher shortages and States with alternative certification requirements, as required by section 592 of such Act''.

DEWINE (AND OTHERS) AMENDMENT NO. 3592

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mrs. MURRAY, Mr. GRASSLEY, Mr. DURBIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 4577 supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) In addition to amounts made available under the heading ''Health Resources and Services Administration-Health Resources and Services'' for poison prevention and poison control center activities, there shall be available an additional $21,600,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $21,600,000.

ENZI (AND OTHERS) AMENDMENT NO. 3593

Mr. ENZI (for himself, Mr. LOTT, Mr. NICKLES, Mr. JEFFORDS, Mr. BOND, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. SESSIONS, Mr. HAGEL, Mr. DEWINE, Mr. CRAPO, Mr. BENNETT, Mr. THOMPSON, Mr. BURNS, Ms. COLLINS, Mr. FRIST, Mr. GREGG, Mr. COVERDELL, Mr. VOINOVICH, Mr. FITZGERALD, Mr. ABRAHAM, Ms. SNOWE, Mr. ASHCROFT, Mr. GRAMS, Mrs. HUTCHISON, Mr. THOMAS, Mr. ALLARD, Mr. L. CHAFEE, Mr. DOMENICI, Mr. THURMOND, and Mr. HELMS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. . None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

HUTCHINSON (AND NICKLES) AMENDMENT NO. 3594

Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to amendment no. 3593 previously proposed by Mr. ENZI to the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

GRAHAM AMENDMENT NO. 3595

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike ''$600,000,000'' and all that follows through line 13, and insert ''$1,700,000,000.''.

WELLSTONE AMENDMENT NO. 3596

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 40, beginning on line 10, strike ''$600,000,000'' and all that follows through line 13, and insert ''$2,380,000,000.''.

GRAHAM AMENDMENT NO. 3597

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

ROBB AMENDMENT NO. 3598

Mr. ROBB proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

TITLE ____—MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

SEC. ____01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Medicare Outpatient Drug Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. ____01. Short title; table of contents.
Sec. ____02. Medicare outpatient prescription drug benefit program.

''PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''Sec. 1860. Definitions.

''SUBPART 1—ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM
''Sec. 1860A. Establishment of outpatient prescription drug benefit program.
''Sec. 1860B. Enrollment.
''Sec. 1860C. Providing information to beneficiaries.
''Sec. 1860D. Premiums.
''Sec. 1860E. Cost-sharing.
''Sec. 1860F. Selection of entities to provide outpatient drug benefit.
''Sec. 1860G. Conditions for awarding contract.
''Sec. 1860H. Payments.
''Sec. 1860I. Employer incentive program for employment-based retiree drug coverage.
''Sec. 1860J. Appropriations.
''SUBPART 2—MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE
''Sec. 1860M. Medicare Pharmacy and Therapeutics (P&T) Advisory Committee.''.
Sec. ____03. Part D benefits under Medicare+Choice plans.
Sec. ____04. Exclusion of part D costs from determination of part B monthly premium.
Sec. ____05. Reporting requirements for Secretary of the Treasury regarding income-related part D premium.
Sec. ____06. Additional assistance for low-income beneficiaries.
Sec. ____07. Medigap revisions.
Sec. ____08. HHS studies and report to Congress.
Sec. ____09. Appropriations.

SEC. ____02. MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

''PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''DEFINITIONS

''SEC. 1860. In this part:

''(1) COVERED OUTPATIENT DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means any of the following products:

''(i) A drug which may be dispensed only upon prescription, and—

''(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

''(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

''(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

''(ii) A biological product which—

''(I) may only be dispensed upon prescription;

''(II) is licensed under section 351 of the Public Health Service Act; and

''(III) is produced at an establishment licensed under such section to produce such product.

''(iii) Insulin approved under appropriate Federal law, including needles, syringes, and disposable pumps for the administration of such insulin.

''(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) but that it is available over-the-counter in addition to being available upon prescription.

''(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

''(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

''(ii) that is covered under part A or B (unless coverage of such product is not available because benefits under part A or B have been exhausted); or

''(iii) except for agents used to promote smoking cessation, for which coverage may be excluded or restricted under section 1927(d)(2).

''(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is entitled to benefits under part A or enrolled under part B.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate to provide eligible beneficiaries with covered outpatient drugs under a contract entered into under this part, including—

''(A) a pharmacy benefit management company;

''(B) a retail pharmacy delivery system;

''(C) a health plan or insurer;

''(D) a State (through mechanisms established under a State plan under title XIX);

''(E) any other entity approved by the Secretary; or

''(F) any combination of the entities described in subparagraphs (A) through (E) if the Secretary determines that such combination—

''(i) increases the scope or efficiency of the provision of benefits under this part; and

''(ii) is not anticompetitive.

''SUBPART 1—ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

''SEC. 1860A. (a) PROVISION OF BENEFIT.—Beginning in 2003, the Secretary shall provide for an outpatient prescription drug benefit program under which an eligible beneficiary shall be provided covered outpatient drugs.

''(b) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program established under this part.

''(c) SCOPE OF BENEFITS.—The program established under this part shall provide for coverage of all therapeutic classes of covered outpatient drugs.

''(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''ENROLLMENT

''SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Such process shall be similar to the process for enrollment in part B under section 1837.

''(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive covered outpatient drugs under this title.

''(2) ENROLLMENT PROCEDURES.—

''(A) LATE ENROLLMENT PENALTY.—

''(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, in the case of an eligible beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in subparagraph (B), the Secretary shall establish procedures for increasing the amount of the monthly premium under section 1860D applicable to such beneficiary—

''(I) by an amount that is equal to 10 percent of such premium for each full 12-month period (in the same continuous period of eligibility) in which the eligible beneficiary could have been enrolled under this part but was not so enrolled; or

''(II) if determined appropriate by the Secretary, by an amount that the Secretary determines is actuarily sound for each such period.

''(ii) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under clause (i), there shall be taken into account—

''(I) the months which elapsed between the close of the eligible beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled; and

''(II) in the case of an eligible beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled.

''(iii) PERIODS NOT TAKEN INTO ACCOUNT.—

''(I) IN GENERAL.—For purposes of calculating any 12-month period under clause (i), subject to subclause (II), there shall not be taken into account months for which the eligible beneficiary can demonstrate that the beneficiary was covered under a group health plan, including a qualified retiree prescription drug plan (as defined in section 1860I(e)(3)) for which an incentive payment was paid under section 1860I, that provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to the beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part.

''(II) APPLICATION.—This clause shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 60-day period that begins on the first day of the month which includes the date on which the plan terminates, ceases to provide,

or reduces the value of the prescription drug coverage under such plan to below the value of the coverage provided under the program under this part.

''(iv) PERIODS TREATED SEPARATELY.—Any increase in an eligible beneficiary's monthly premium under clause (i) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

''(v) CONTINUOUS PERIOD OF ELIGIBILITY.—

''(I) IN GENERAL.—Subject to subclause (II), for purposes of this subparagraph, an eligible beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and ends with the beneficiary's death.

''(II) SEPARATE PERIOD.—Any period during all of which an eligible beneficiary satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this subparagraph).

''(B) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—The Secretary shall establish an applicable period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may enroll under this part without the application of the late enrollment procedures established under subparagraph (A)(i).

''(3) PERIOD OF COVERAGE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

''(B) OPEN ENROLLMENT.—An eligible beneficiary who enrolls under the program under this part pursuant to paragraph (2)(B) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(C) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

''(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—

''(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is no longer enrolled in either part A or part B.

''(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if later) under part B.

''(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

''(1) PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part but not enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall make an annual election to enroll with any eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

''(B) RULES.—In establishing the process under subparagraph (A), the Secretary shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851 (including special election periods under subsection (e)(4) of such section).

''(2) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall receive coverage of covered outpatient drugs under this part through such plan.

''(c) FIRST ENROLLMENT PERIOD.—The processes developed under subsections (a) and (b) shall ensure that eligible beneficiaries are permitted to enroll under this part and with an eligible entity prior to January 1, 2003, in order to ensure that coverage under this part is effective as of such date.

''PROVIDING INFORMATION TO BENEFICIARIES

''SEC. 1860C. (a) ACTIVITIES.—

''(1) IN GENERAL.—The Secretary shall conduct activities that are designed to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding the coverage provided under this part.

''(2) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in paragraph (1) shall ensure that eligible beneficiaries are provided with such information at least 30 days prior to the first enrollment period described in section 1860B(c).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The activities described in subsection (a) shall—

''(A) be similar to the activities performed by the Secretary under section 1851(d);

''(B) be coordinated with the activities performed by the Secretary under such section and under section 1804; and

''(C) provide for the dissemination of information comparing the eligible entities that are available to eligible beneficiaries residing in an area under this part.

''(2) COMPARATIVE INFORMATION.—The comparative information described in paragraph (1)(B) shall include the following:

''(A) BENEFITS.—A comparison of the benefits provided by each eligible entity, including a comparison of the pharmacy networks used by each eligible entity and the formularies and appeals processes implemented by each entity.

''(B) QUALITY AND PERFORMANCE.—To the extent available, the quality and performance of each eligible entity.

''(C) BENEFICIARY COSTS.—The cost-sharing required of eligible beneficiaries enrolled in each eligible entity.

''(D) CONSUMER SATISFACTION SURVEYS.—To the extent available, the results of consumer satisfaction surveys regarding each eligible entity.

''(E) ADDITIONAL INFORMATION.—Such additional information as the Secretary may prescribe.

''(3) INFORMATION STANDARDS.—The Secretary shall develop standards to ensure that the information provided to eligible beneficiaries under this part is complete, accurate, and uniform.

''(c) USE OF MEDICARE CONSUMER COALITIONS TO PROVIDE INFORMATION.—

''(1) IN GENERAL.—The Secretary may contract with Medicare Consumer Coalitions to conduct the informational activities—

''(A) under this section;

''(B) under section 1851(d); and

''(C) under section 1804.

''(2) SELECTION OF COALITIONS.—If the Secretary determines the use of Medicare Consumer Coalitions to be appropriate, the Secretary shall—

''(A) develop and disseminate, in such areas as the Secretary determines appropriate, a request for proposals for Medicare Consumer Coalitions to contract with the Secretary in order to conduct any of the informational activities described in paragraph (1); and

''(B) select a proposal of a Medicare Consumer Coalition to conduct the informational activities in each such area, with a preference for broad participation by organizations with experience in providing information to beneficiaries under this title.

''(3) PAYMENT TO MEDICARE CONSUMER COALITIONS.—The Secretary shall make payments to Medicare Consumer Coalitions contracting under this subsection in such amounts and in such manner as the Secretary determines appropriate.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to contract with Medicare Consumer Coalitions under this section.

''(5) MEDICARE CONSUMER COALITION DEFINED.—In this subsection, the term 'Medicare Consumer Coalition' means an entity that is a nonprofit organization operated under the direction of a board of directors that is primarily composed of beneficiaries under this title.

''PREMIUMS

''SEC. 1860D. (a) ANNUAL ESTABLISHMENT OF MONTHLY PREMIUM RATES.—

''(1) IN GENERAL.—The Secretary shall, during September of each year (beginning in 2002), determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

''(2) ACTUARIAL DETERMINATIONS.—

''(A) DETERMINATION OF ANNUAL BENEFIT AND ADMINISTRATIVE COSTS.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits and administrative costs that will be payable from the Federal Supplementary Medical Insurance Trust Fund for providing covered outpatient drugs in such calendar year with respect to enrollees in the program under this part.

''(B) DETERMINATION OF MONTHLY PREMIUM RATES.—

''(i) IN GENERAL.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be 1/12 of the applicable share of the amount determined under subparagraph (A), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

''(ii) DEFINITION OF APPLICABLE SHARE.—For purposes of clause (i), the term 'applicable share' means—

''(I) one-half, in the case of premiums paid by an eligible beneficiary enrolled in the program under this part; and

''(II) two-thirds, in the case of premiums paid for such a beneficiary by an employer (as defined in section 1860I(e)(2)) that the beneficiary formerly worked for.

''(3) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

''(b) COLLECTION OF PREMIUM.—The monthly premium applicable to an eligible beneficiary under this part shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined

under section 1839 is collected and credited to such Trust Fund under section 1840.

''COST-SHARING

''SEC. 1860E. (a) DEDUCTIBLE.—

''(1) IN GENERAL.—Subject to paragraph (2), no payments shall be made under this part on behalf of an eligible beneficiary until the beneficiary has met a $250 deductible.

''(2) WAIVER OF DEDUCTIBLE FOR GENERIC DRUGS.—

''(A) IN GENERAL.—An eligible entity may provide that generic drugs are not subject to the deductible described in paragraph (1) if the Secretary determines that the waiver of the deductible—

''(i) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

''(ii) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

''(B) CREDIT FOR AMOUNTS PAID.—If the deductible is waived pursuant to subparagraph (A), any coinsurance paid by an eligible beneficiary for the generic drug shall be credited toward the annual deductible.

''(b) COINSURANCE.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Subject to paragraph (2), if any covered outpatient drug is provided to an eligible beneficiary in a year after the beneficiary has met any deductible requirement under subsection (a) for the year, the beneficiary shall be responsible for making payments for the drug in an amount equal to the applicable percentage of the cost of the drug.

''(B) APPLICABLE PERCENTAGE DEFINED.—For purposes of subparagraph (A), the 'applicable percentage' means, with respect to any covered outpatient drug provided to an eligible beneficiary in a year—

''(i) 50 percent to the extent the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, do not exceed $3,500;

''(ii) 25 percent to the extent such expenses, when so added, exceed $3,500 but do not exceed $4,000; and

''(iii) 0 percent to the extent such expenses, when so added, would exceed $4,000.

''(C) OUT-OF-POCKET EXPENSES DEFINED.—For purposes of subparagraph (B), the term 'out-of-pocket expenses' means expenses incurred as a result of the application of the deductible under subsection (a) and the coinsurance required under this subsection.

''(2) REDUCTION BY ELIGIBLE ENTITY.—An eligible entity may reduce the applicable percentage that an eligible beneficiary is subject to under paragraph (1) if the Secretary determines that such reduction—

''(A) is tied to the performance measures and other incentives applicable to the entity pursuant to section 1860H(a); and

''(B) will not result in an increase in the expenditures made from the Federal Supplementary Medical Insurance Trust Fund.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2004, each of the dollar amounts in subsections (a)(1) and (b)(1)(B) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the percentage (if any) by which the amount of expenditures under this part in the preceding calendar year exceeds the amount of such expenditures in 2003.

''(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of $5, such dollar amount shall be rounded to the nearest multiple of $5.

''SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT

''SEC. 1860F. (a) ESTABLISHMENT OF BIDDING PROCESS.—

''(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary accepts bids submitted by eligible entities and awards contracts to such entities in order to administer and deliver the benefits provided under this part to eligible beneficiaries in an area.

''(2) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this part.

''(b) AREA FOR CONTRACTS.—

''(1) REGIONAL BASIS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to paragraph (2), the contract entered into between the Secretary and an eligible entity shall require the eligible entity to provide covered outpatient drugs on a regional basis.

''(B) PARTIAL REGIONAL BASIS.—

''(i) IN GENERAL.—If determined appropriate by the Secretary, the Secretary may permit the coverage described in subparagraph (A) to be provided on a partial regional basis.

''(ii) REQUIREMENTS.—If the Secretary permits coverage pursuant to clause (i), the Secretary shall ensure that the partial region in which coverage is provided is—

''(I) at least the size of the commercial service area of the eligible entity for that area; and

''(II) not smaller than a State.

''(2) DETERMINATION.—

''(A) IN GENERAL.—In determining coverage areas under this part, the Secretary shall—

''(i) take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities; and

''(ii) ensure that there are at least 10 different coverage areas in the United States.

''(B) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of coverage areas under this part shall not be subject to administrative or judicial review.

''(c) SUBMISSION OF BIDS.—

''(1) IN GENERAL.—Each eligible entity desiring to provide covered outpatient drugs under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) REQUIRED INFORMATION.—The bids described in paragraph (1) shall include—

''(A) a proposal for the estimated prices of covered outpatient drugs and the projected annual increases in such prices, including differentials between formulary and nonformulary prices, if applicable;

''(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under such contract;

''(C) a statement regarding whether the entity will waive the deductible for generic drugs pursuant to section 1860E(a)(2);

''(D) a statement regarding whether the entity will reduce the applicable coinsurance percentage pursuant to section 1860E(b)(2) and if so, the amount of such reduction;

''(E) a detailed description of—

''(i) the risk corridors tied to performance measures and other incentives that the entity will accept under the contract; and

''(ii) how the entity will meet such measures and incentives;

''(F) a detailed description of any ownership or shared financial interests with other entities involved in the delivery of the benefit as proposed;

''(G) a detailed description of the entity's estimated marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries; and

''(H) such other information that the Secretary determines is necessary in order to carry out this part, including information relating to the bidding process under this part.

''(d) ACCESS.—

''(1) IN GENERAL.—The Secretary shall ensure that an eligible entity—

''(A) complies with the access requirements described in section 1860G(4)(A); and

''(B) makes available to each beneficiary covered under the contract the full scope of the benefits required under this part.

''(2) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this part to each eligible beneficiary that resides in an area that is not covered by any contract under this part.

''(3) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that each eligible beneficiary that resides in different areas in a year is provided the benefits under this part throughout the entire year.

''(e) AWARDING OF CONTRACTS.—

''(1) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this part and the goal of containing costs under this title, award in a competitive manner at least 2 contracts in an area, unless only 1 bidding entity meets the minimum standards specified under this part and by the Secretary.

''(2) DETERMINATION.—In determining which of the eligible entities that submitted bids that meet the minimum standards specified under this part and by the Secretary (including the terms and conditions described in section 1860G) to award a contract, the Secretary shall consider the comparative merits of each bid, as determined on the basis of the past performance of the entity and other relevant factors, with respect to—

''(A) how well the entity meets such minimum standards;

''(B) the amount that the entity will charge the Secretary for administering and delivering the benefits under the contract;

''(C) the proposed prices of covered outpatient drugs and annual increases in such prices;

''(D) the proposed risk corridors tied to performance measures and other incentives that the entity will be subject to under the contract;

''(E) the factors described in section 1860C(b)(2);

''(F) prior experience in administering a prescription drug benefit program;

''(G) effectiveness in containing costs through pricing incentives and utilization management; and

''(H) such other factors as the Secretary deems necessary to evaluate the merits of each bid.

''(3) EXCEPTION TO CONFLICT OF INTEREST RULES.—In awarding contracts under this part, the Secretary may waive conflict of interest laws generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

''(A) is not inconsistent with the—

''(i) purposes of the programs under this title; or

''(ii) best interests of enrolled individuals; and

''(B) permits a sufficient level of competition for such contracts, promotes efficiency of benefits administration, or otherwise serves the objectives of the program under this part.

''(4) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of the Secretary to award or not award a contract to an eligible entity under this part shall not be subject to administrative or judicial review.

''(f) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The provisions of section 1851(h) shall apply to marketing material and application forms under this part in the same manner as such provisions apply to marketing material and application forms under part C.

''(g) DURATION OF CONTRACTS.—Each contract under this part shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

''CONDITIONS FOR AWARDING CONTRACT

''SEC. 1860G. The Secretary shall not award a contract to an eligible entity under this part unless the Secretary finds that the eligible entity agrees to comply with such terms and conditions as the Secretary shall specify, including the following:

''(1) QUALITY AND FINANCIAL STANDARDS.—The eligible entity meets the quality and financial standards specified by the Secretary.

''(2) PROCEDURES TO ENSURE PROPER UTILIZATION, COMPLIANCE, AND AVOIDANCE OF ADVERSE DRUG REACTIONS.—The eligible entity has in place drug utilization review procedures to ensure—

''(A) the appropriate utilization by eligible beneficiaries of the benefits to be provided under the contract; and

''(B) the avoidance of adverse drug reactions among eligible beneficiaries enrolled with the entity, including problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse and misuse.

''(3) COST-EFFECTIVE PROVISION OF BENEFITS.—

''(A) IN GENERAL.—In providing the benefits under a contract under this part, an eligible entity may—

''(i) employ mechanisms to provide the benefits economically, including the use of—

''(I) formularies (pursuant to subparagraph (B));

''(II) alternative methods of distribution; and

''(III) generic drug substitution;

''(ii) use mechanisms to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs, including the use of pharmacy incentive programs, therapeutic interchange programs, and disease management programs; and

''(iii) encourage pharmacy providers to—

''(I) inform beneficiaries of the differentials in price between generic and nongeneric drug equivalents; and

''(II) provide medication therapy management programs in order to enhance beneficiaries' understanding of the appropriate use of medications and to reduce the risk of potential adverse events associated with medications.

''(B) FORMULARIES.—If an eligible entity uses a formulary under this part, such formulary shall comply with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M. Such standards shall require that the eligible entity—

''(i) use a pharmacy and therapeutic committee (that meets the standards for a pharmacy and therapeutic committee established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M) to develop and implement the formulary;

''(ii) include in the formulary—

''(I) at least 1 drug from each therapeutic class (as defined by the entity's pharmacy and therapeutic committee in accordance with standards established by the Secretary in consultation with the Medicare Pharmacy and Therapeutics Advisory Committee established under section 1860M);

''(II) if there is more than 1 drug available in a therapeutic class, at least 2 drugs from such class; and

''(III) if there is more than 2 drugs available in a therapeutic class, at least 2 drugs from such class and a generic drug substitute if available;

''(iii) develop procedures for the—

''(I) addition of new therapeutic classes to the formulary;

''(II) addition of new drugs to an existing therapeutic class; and

''(III) modification of the formulary;

''(iv) provide for coverage of nonformulary drugs when determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary; and

''(v) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary, coinsurance, and any difference in the cost-sharing for different types of drugs.

''(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as precluding an eligible entity from—

''(i) requiring cost-sharing for nonformulary drugs that is higher than the cost-sharing established in section 1860E(b), except that such entity shall provide for coverage of a nonformulary drug at the same cost-sharing level as a drug within the formulary if such nonformulary drug is determined (pursuant to subparagraph (C) or (D)(i) of paragraph (4)) to be medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

''(ii) educating prescribing providers, pharmacists, and beneficiaries about the medical and cost benefits of formulary drugs (including generic drugs); or

''(iii) requesting prescribing providers to consider a formulary drug prior to dispensing of a nonformulary drug, as long as such request does not unduly delay the provision of the drug.

''(4) PATIENT PROTECTIONS.—

''(A) ACCESS.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries covered under the contract, including by offering the services in the following manner:

''(i) SERVICES DURING EMERGENCIES.—The offering of services 24 hours a day and 7 days a week for emergencies.

''(ii) CONTRACTS WITH RETAIL PHARMACIES.—The offering of services—

''(I) at a sufficient number (as determined by the Secretary) of retail pharmacies;

''(II) to the extent feasible, at retail pharmacies located throughout the eligible entity's service area to ensure reasonable geographic access (as determined by the Secretary) to such services; and

''(III) such that—

''(aa) the total charge for each covered outpatient drug dispensed to an eligible beneficiary enrolled with the entity does not exceed the negotiated price for the drug (as reported to the Secretary pursuant to paragraph (6)(A)); and

''(bb) the retail pharmacy dispensing the drug does not charge (or collect from) such beneficiary an amount that exceeds the beneficiary's obligation (as determined in accordance with the provisions of this part) of the negotiated price.

''(B) CONTINUITY OF CARE.—

''(i) IN GENERAL.—The eligible entity ensures that, in the case of an eligible beneficiary who loses coverage under this part with such entity under circumstances that would permit a special election period (as established by the Secretary under section 1860B(b)), the entity will continue to provide coverage under this part to such beneficiary until the beneficiary enrolls and receives such coverage with another eligible entity under this part.

''(ii) LIMITED PERIOD.—In no event shall an eligible entity be required to provide the extended coverage required under clause (i) beyond the date which is 30 days after the coverage with such entity would have terminated but for this subparagraph.

''(C) PROCEDURES REGARDING THE DETERMINATION OF DRUGS THAT ARE MEDICALLY NECESSARY.—The eligible entity has in place procedures to determine if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary. Such procedures shall require that such determinations are based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence.

''(D) PROCEDURES REGARDING DENIALS OF CARE.—The eligible entity has in place procedures to ensure—

''(i) a timely internal and external review and resolution of denials of coverage (in whole or in part) and complaints (including those regarding the use of formularies under paragraph (3)) by eligible beneficiaries, or by providers, pharmacists, and other individuals acting on behalf of each such beneficiary (with the beneficiary's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C; and

''(ii) that beneficiaries are provided with information regarding the appeals procedures under this part at the time of enrollment.

''(E) PROCEDURES REGARDING PATIENT CONFIDENTIALITY.—Insofar as an eligible entity maintains individually identifiable medical records or other health information regarding eligible beneficiaries under a contract entered into under this part, the entity has in place procedures to—

''(i) safeguard the privacy of any individually identifiable beneficiary information;

''(ii) maintain such records and information in a manner that is accurate and timely;

''(iii) ensure timely access by such beneficiaries to such records and information; and

''(iv) otherwise comply with applicable laws relating to patient confidentiality.

''(F) PROCEDURES REGARDING TRANSFER OF MEDICAL RECORDS.—

''(i) IN GENERAL.—The eligible entity has in place procedures for the timely transfer of

records and information described in subparagraph (E) (with respect to a beneficiary who loses coverage under this part with the entity and enrolls with another entity under this part) to such other entity.

''(ii) PATIENT CONFIDENTIALITY.—The procedures described in clause (i) shall comply with the patient confidentiality procedures described in subparagraph (E).

''(G) PROCEDURES REGARDING MEDICAL ERRORS.—The eligible entity has in place procedures for working with the Secretary to deter medical errors related to the provision of covered outpatient drugs.

''(5) PROCEDURES TO CONTROL FRAUD, ABUSE, AND WASTE.—The eligible entity has in place procedures to control fraud, abuse, and waste.

''(6) REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The eligible entity provides the Secretary with reports containing information regarding the following:

''(i) The prices that the eligible entity is paying for covered outpatient drugs.

''(ii) The prices that eligible beneficiaries enrolled with the entity will be charged for covered outpatient drugs.

''(iii) The administrative costs of providing such benefits.

''(iv) Utilization of such benefits.

''(v) Marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries.

''(B) TIMEFRAME FOR SUBMITTING REPORTS.—

''(i) IN GENERAL.—The eligible entity shall submit a report described in subparagraph (A) to the Secretary within 3 months after the end of each 12-month period in which the eligible entity has a contract under this part. Such report shall contain information concerning the benefits provided during such 12-month period.

''(ii) LAST YEAR OF CONTRACT.—In the case of the last year of a contract under this section, the Secretary may require that a report described in subparagraph (A) be submitted 3 months prior to the end of the contract. Such report shall contain information concerning the benefits provided between the period covered by the most recent report under this subparagraph and the date that a report is submitted under this clause.

''(C) CONFIDENTIALITY OF INFORMATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), information disclosed by an eligible entity pursuant to subparagraph (A) is confidential and shall only be used by the Secretary for the purposes of, and to the extent necessary, to carry out this part.

''(ii) UTILIZATION DATA.—Subject to patient confidentiality laws, the Secretary shall make information disclosed by an eligible entity pursuant to subparagraph (A)(iv) (regarding utilization data) available for research purposes. The Secretary may charge a reasonable fee for making such information available.

''(7) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The eligible entity will comply with the requirements described in section 1860F(f).

''(8) RECORDS AND AUDITS.—The eligible entity maintains adequate records related to the administration of the benefit under this part and affords the Secretary access to such records for auditing purposes.

''PAYMENTS

''SEC. 1860H. (a) PAYMENTS TO ELIGIBLE ENTITIES.—

''(1) PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish procedures for making payments to an eligible entity under a contract entered into under this part for the administration and delivery of the benefits under this part.

''(B) ENTITIES ONLY SUBJECT TO LIMITED RISK.—Under the procedures established under subparagraph (A), an eligible entity shall only be at risk to the extent that the entity is at risk under paragraph (2).

''(2) RISK CORRIDORS TIED TO PERFORMANCE MEASURES AND OTHER INCENTIVES.—

''(A) IN GENERAL.—The procedures established under paragraph (1) may include the use of—

''(i) risk corridors tied to performance measures that have been agreed to between the eligible entity and the Secretary under the contract; and

''(ii) any other incentives that the Secretary determines appropriate.

''(B) PHASE-IN OF RISK CORRIDORS TIED TO PERFORMANCE MEASURES.—The Secretary may phase-in the use of risk corridors tied to performance measures if the Secretary determines such phase-in to be appropriate.

''(C) PAYMENTS SUBJECT TO INCENTIVES.—If a contract under this part includes the use of risk corridors tied to performance measures or other incentives pursuant to subparagraph (A), payments to eligible entities under such contract shall be subject to such risk corridors tied to performance measures and other incentives.

''(3) RISK ADJUSTMENT.—To the extent that eligible entities are at risk because of the risk corridors or other incentives described in paragraph (2)(A), the procedures established under paragraph (1) may include a methodology for adjusting the payments made to such entities based on the differences in actuarial risk of different enrollees being served if the Secretary determines such adjustments to be necessary and appropriate.

''(b) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

''EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

''SEC. 1860I. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section called the 'Employer Incentive Program' that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

''(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

''(1) ASSURANCES.—The sponsor shall—

''(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

''(B) guarantee that it will give notice to the Secretary and covered retirees—

''(i) at least 120 days before terminating its plan; and

''(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the outpatient prescription drug benefit under this part.

''(2) BENEFICIARY INFORMATION.—The sponsor shall report to the Secretary, for each calendar quarter for which it seeks an incentive payment under this section, the names and social security numbers of all retirees (and their spouses and dependents) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

''(3) AUDITS.—The sponsor and the employment-based retiree health coverage plan seeking incentive payments under this section shall agree to maintain, and to afford the Secretary access to, such records as the Secretary may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of incentive payments made, and such other matters as may be appropriate.

''(4) OTHER REQUIREMENTS.—The sponsor shall provide such other information, and comply with such other requirements, as the Secretary may find necessary to administer the program under this section.

''(c) INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined in paragraph (2), for each retired individual (or spouse) who—

''(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

''(B) was eligible for but was not enrolled in the outpatient prescription drug benefit program under this part.

''(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable by an eligible beneficiary enrolled under this part, as set for the calendar year pursuant to section 1860D(a)(2).

''(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

''(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

''(e) DEFINITIONS.—In this section:

''(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

''(2) EMPLOYER.—The term 'employer' has the meaning given the term in section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

''(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' means health insurance coverage included in employment-based retiree health coverage that—

''(A) provides coverage of the cost of prescription drugs whose actuarial value (as defined by the Secretary) to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part; and

''(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

''(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' in section 3(16)(B) of the Employer Retirement Income Security Act of 1974.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the program under this section.

''APPROPRIATIONS

''SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the premiums collected under section 1860D.

''SUBPART 2—MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

''MEDICARE PHARMACY AND THERAPEUTICS (P&T) ADVISORY COMMITTEE

''SEC. 1860M. (a) ESTABLISHMENT OF COMMITTEE.—There is established a Medicare Pharmacy and Therapeutics Advisory Committee (in this section referred to as the 'Committee').

''(b) FUNCTIONS OF COMMITTEE.—On and after October 1, 2001, the Committee shall advise the Secretary on policies related to—

''(1) the development of guidelines for the implementation and administration of the outpatient prescription drug benefit program under this part; and

''(2) the development of—

''(A) standards for a pharmacy and therapeutics committee required of eligible entities under section 1860G(3)(B)(i);

''(B) procedures required of eligible entities under subparagraphs (C) and (D) of section 1860G(4) for determining if a drug is medically necessary to prevent or slow the deterioration of, or improve or maintain, the health of an eligible beneficiary;

''(C) standards for—

''(i) defining therapeutic classes;

''(ii) adding new therapeutic classes to a formulary;

''(iii) adding new drugs to a therapeutic class within a formulary; and

''(iv) when and how often a formulary should be modified;

''(D) procedures to evaluate the bids submitted by eligible entities under this part; and

''(E) procedures to ensure that eligible entities with a contract under this part are in compliance with the requirements under this part.

''(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

''(1) STRUCTURE.—The Committee shall be composed of 19 members who shall be appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

''(B) SPECIFIC MEMBERS.—Of the members appointed under paragraph (1)—

''(i) eleven shall be chosen to represent physicians;

''(ii) four shall be chosen to represent pharmacists;

''(iii) one shall be chosen to represent the Health Care Financing Administration;

''(iv) two shall be chosen to represent actuaries and pharmacoeconomists; and

''(v) one shall be chosen to represent emerging drug technologies.

''(d) TERMS OF APPOINTMENT.—Each member of the Committee shall serve for a term determined appropriate by the Secretary. The terms of service of the members initially appointed shall begin on January 1, 2001.

''(e) CHAIRMAN.—The Secretary shall designate a member of the Committee as Chairman. The term as Chairman shall be for a 1-year period.

''(f) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION OF MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

''(g) OPERATION OF THE COMMITTEE.—

''(1) MEETINGS.—The Committee shall meet at the call of the Chairman (after consultation with the other members of the Committee) not less often than quarterly to consider a specific agenda of issues, as determined by the Chairman after such consultation.

''(2) QUORUM.—Ten members of the Committee shall constitute a quorum for purposes of conducting business.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) TRANSFER OF PERSONNEL, RESOURCES, AND ASSETS.—For purposes of carrying out its duties, the Secretary and the Committee may provide for the transfer to the Committee of such civil service personnel in the employ of the Department of Health and Human Services, and such resources and assets of the Department used in carrying out this title, as the Committee requires.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.''.

(b) EXCLUSIONS FROM COVERAGE.—

(1) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking ''part A or part B'' and inserting ''part A, B, or D''.

(2) PRESCRIPTION DRUGS NOT EXCLUDED FROM COVERAGE IF REASONABLE AND NECESSARY.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting '', and''; and

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

''(J) in the case of prescription drugs covered under part D, which are not reasonable and necessary to prevent or slow the deterioration of, or improve or maintain, the health of eligible beneficiaries;''.

(c) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this title.

SEC. ___03. PART D BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)(A), by striking ''parts A and B'' and inserting ''parts A, B, and D''; and

(2) in subsection (i)(1), by striking ''parts A and B'' and inserting ''parts A, B, and D''.

(b) VOLUNTARY BENEFICIARY ENROLLMENT FOR DRUG COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting ''(and under part D to individuals also enrolled under that part)'' after ''parts A and B''.

(c) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

''(F) in the case of covered outpatient drugs provided to individuals enrolled under part D (as defined in section 1860(1)), the organization complies with the access requirements applicable under part D.''.

(d) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(1) by inserting ''determined separately for the benefits under parts A and B and under part D (for individuals enrolled under that part)'' after ''as calculated under subsection (c)'';

(2) by striking ''that area, adjusted for such risk factors'' and inserting ''that area. In the case of payment for the benefits under parts A and B, such payment shall be adjusted for such risk factors as''; and

(3) by inserting before the last sentence the following: ''In the case of the payments for the benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines

to be feasible and appropriate to ensure actuarial equivalence. By 2006, the adjustments to payments for benefits under part D shall be for the same risk factors used to adjust payments for the benefits under parts A and B.''.

(e) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for benefits under parts A and B'' after ''capitation rate''; and

(2) by adding at the end the following new paragraph:

''(8) PAYMENT FOR PART D BENEFITS.—The Secretary shall determine a capitation rate for part D benefits (for individuals enrolled under such part) as follows:

''(A) DRUGS DISPENSED IN 2003.—In the case of prescription drugs dispensed in 2003, the capitation rate shall be based on the projected national per capita costs for prescription drug benefits under part D and associated claims processing costs for beneficiaries enrolled under part D and not enrolled with a Medicare+Choice organization under this part.

''(B) DRUGS DISPENSED IN SUBSEQUENT YEARS.—In the case of prescription drugs dispensed in a subsequent year, the capitation rate shall be equal to the capitation rate for the preceding year increased by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D for such subsequent year.''.

(f) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PART D BENEFITS.—With respect to outpatient prescription drug benefits under part D, a Medicare+Choice organization may not require that an enrollee pay a deductible or a coinsurance percentage that exceeds the deductible or coinsurance percentage applicable for such benefits for an eligible beneficiary under part D.''.

(g) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: ''Such determination shall be made separately for the benefits under parts A and B and for prescription drug benefits under part D.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services provided under a Medicare+Choice plan on or after January 1, 2003.

SEC. ____04. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking ''attributable to the application of section'' and inserting ''attributable to—

''(1) the application of section'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the program under part D providing payment for covered outpatient drugs (including costs associated with making payments to employers and other sponsors of employment-based health care coverage under the Employer Incentive Program under section 1860I).''.

SEC. ____05. REPORTING REQUIREMENTS FOR SECRETARY OF THE TREASURY REGARDING INCOME-RELATED PART D PREMIUM.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(18) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME-RELATED REDUCTION IN MEDICARE PART D PREMIUM.—

''(A) IN GENERAL.—The Secretary may, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Health Care Financing Administration return information with respect to a taxpayer who is required to pay a monthly premium under part D of the Social Security Act. Such return information shall be limited to—

''(i) taxpayer identity information with respect to such taxpayer,

''(ii) the filing status of such taxpayer,

''(iii) the adjusted gross income of such taxpayer,

''(iv) the amounts excluded from such taxpayer's gross income under sections 135 and 911,

''(v) the interest received or accrued during the taxable year which is exempt from the tax imposed by chapter 1 to the extent such information is available, and

''(vi) the amounts excluded from such taxpayer's gross income under sections 931 and 933 to the extent such information is available.

''(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Health Care Financing Administration only for the purposes of, and to the extent necessary in, establishing the appropriate monthly premium under part D of the Social Security Act.''.

(b) CONFORMING AMENDMENT.—Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking ''or (17)'' each place it appears and inserting ''(17), or (18)''.

SEC. ____06. ADDITIONAL ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) INCLUSION IN MEDICARE COST-SHARING.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and'' at the end; and

(C) by adding at the end the following new clause:

''(iii) premiums under section 1860D.'';

(2) in subparagraph (B), by striking ''section 1813'' and inserting ''sections 1813 and 1860E(b)''; and

(3) in subparagraph (C), by striking ''section 1813 and section 1833(b)'' and inserting ''sections 1813, 1833(b), and 1860E(a)''.

(b) EXPANSION OF MEDICAL ASSISTANCE.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) in clause (iii)—

(A) by striking ''section 1905(p)(3)(A)(ii)'' and inserting ''clauses (ii) and (iii) of section 1905(p)(3)(A), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a)''; and

(B) by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (vi); and

(3) by inserting after clause (iii) the following new clauses:

''(iv) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii), for the coinsurance described in section 1860E(b), and for the deductible described in section 1860E(a) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 120 percent but does not exceed 135 percent of such official poverty line for a family of the size involved;

''(v) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) on a linear sliding scale based on the income of such individuals for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 135 percent but does not exceed 150 percent of such official poverty line for a family of the size involved; and''.

(c) NONAPPLICABILITY OF PAYMENT DIFFERENTIAL REQUIREMENTS TO MEDICARE PART D COST-SHARING.—Section 1902(n)(2) of the Social Security Act (42 U.S.C. 1396a(n)(2)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to coinsurance described in section 1860E(b) or deductibles described in section 1860E(a).''.

(d) 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided under clauses (iv) and (v) of section 1902(a)(10)(E)''.

(e) TREATMENT OF TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the preceding provisions of this subsection, with respect to fiscal year 2003 and any fiscal year thereafter, the amount otherwise determined under this subsection (and subsection (f)) for the fiscal year for a Commonwealth or territory shall be increased by the ratio (as estimated by the Secretary) of—

''(A) the aggregate amount of payments made to the 50 States and the District of Columbia for the fiscal year under title XIX that are attributable to making medical assistance available for individuals described in clauses (i), (iii), (iv), and (v) of section 1902(a)(10)(E) for payment of medicare cost-sharing that consists of premiums under section 1860D, coinsurance described in section 1860E(b), or deductibles described in section 1860E(a); to

''(B) the aggregate amount of total payments made to such States and District for the fiscal year under such title.''.

(f) CONFORMING AMENDMENTS.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended—

(1) in subsection (a), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)'';

(2) in subsection (c)(2)(A)—

(A) in clause (i), by striking ''section 1902(a)(10)(E)(iv)(I)'' and inserting ''section 1902(a)(10)(E)(vi)(I)''; and

(B) in clause (ii), by striking ''section 1902(a)(10)(E)(iv)(II)'' and inserting ''section 1902(a)(10)(E)(vi)(II)'';

(3) in subsection (d), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)''; and

(4) in subsection (e), by striking ''section 1902(a)(10)(E)(iv)'' and inserting ''section 1902(a)(10)(E)(vi)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply for medical assistance provided under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) on and after January 1, 2003.

SEC. ___07. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(v) MODERNIZED BENEFIT PACKAGES FOR MEDICARE SUPPLEMENTAL POLICIES.—

''(1) PROMULGATION OF MODEL REGULATION.—

''(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Outpatient Drug Act of 2000, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit packages classified as 'H', 'I', and 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

''(i) the coverage for outpatient prescription drugs available under such benefit packages is replaced with coverage for outpatient prescription drugs that compliments but does not duplicate the benefits for outpatient prescription drugs that beneficiaries are otherwise entitled to under this title;

''(ii) the revised benefit packages provide a range of coverage options for outpatient prescription drugs for beneficiaries, but do not provide coverage for—

''(I) the deductible under section 1860E(a); or

''(II) more than 90 percent of the coinsurance applicable to an individual under section 1860E(b);

''(iii) uniform language and definitions are used with respect to such revised benefits;

''(iv) uniform format is used in the policy with respect to such revised benefits; and

''(v) such revised standards meet any additional requirements imposed by the Medicare Outpatient Drug Act of 2000;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2003 NAIC Model Regulation').

''(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2003 Federal Regulation').

''(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

''(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits (including deductibles and coinsurance) under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2003 NAIC Model Regulation or 2003 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

''(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'G' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

''(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

''(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

''(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2003 NAIC Model Regulation or 2003 Federal Regulation; and

''(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

''(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.''.

SEC. ___08. HHS STUDIES AND REPORT TO CONGRESS.

(a) STUDIES.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility and advisability of—

(1) establishing a uniform format for pharmacy benefit cards provided to beneficiaries by eligible entities under the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section ___02); and

(2) developing systems to electronically transfer prescriptions under such program from the prescriber to the pharmacist.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the studies conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such studies.

SEC. ___09. APPROPRIATIONS.

In addition to amounts otherwise appropriated to the Secretary of Health and Human Services, there are authorized to be appropriated to the Secretary for fiscal year 2001 and each subsequent fiscal year such sums as may be necessary to administer the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section ___02).

REID AMENDMENT NO. 3599

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting ''gynecologic health,'' after ''with respect to''.

LOTT AMENDMENT NO. 3600

Mr. LOTT proposed an amendment to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, any proposed, temporary, or final standard on ergonomic protection.

LOTT AMENDMENT NO. 3601

Mr. LOTT proposed an amendment to amendment No. 3600 proposed by Mr. LOTT to the instructions to the motion to commit the bill, H.R. 4577, supra; as follows:

Strike all after the first word, and insert the following:

''of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

''This section shall take effect October 4, 2000.''

BOND (AND OTHERS) AMENDMENT NO. 3602

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mrs. LINCOLN, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mrs. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. WARNER, Mr. WELSTONE, Mr. WYDEN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BAYH, Mr. GRASSLEY, Mr. SARBANES, Mr. ROTH, and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 23, line 23, strike ''4,522,424,000'' and replace with ''4,572,424,000''.

On page 92, between lines 4 and 5, insert the following:

SEC. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education Shall be reduced on a pro rata basis by $50,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place add the following: ''None of the fund appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International (AAALAC) and has not been charged multiple times with egregious violations of the Animal Welfare Act.

MURRAY AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: '': *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner''.

KERREY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. _____. WEB-BASED EDUCATION COMMISSION.

There are authorized to be appropriated and are appropriated $250,000 to carry out the Web-Based Education Commission Act. Notwithstanding any other provision of this Act, the amount of funds provided to each Federal agency that receives appropriations under this Act shall be reduced by a uniform percentage necessary to achieve an aggregate reduction of $250,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this section shall ensure that the reduction in funding to the agency resulting from this section is offset by a reduction in the administrative expenditures of the agency.

DURBIN AMENDMENTS NOS. 3606–3607

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3606

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) EMERGENCY SPENDING.—Amounts made available under subsection (a) are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3607

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) CHILDREN'S ASTHMA PROGRAMS.—In addition to amounts appropriated under this title for the Centers for Disease Control and Prevention, there shall be appropriated $50,000,000 to enable the Centers for Disease Control and Prevention to carry out children's asthma programs, of which $10,000,000 may be used to carry out improved asthma surveillance and tracking systems and $35,000,000 shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs: *Provided*, That not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming.

(b) OFFSET.—Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $50,000,000.

DURBIN (AND OTHERS) AMENDMENTS NOS. 3608–3609

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3608

On page 54, between lines 10 and 11, insert the following:

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

AMENDMENT NO. 3609

On page 54, between lines 10 and 11, insert the following:

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $75,000,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided*, That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced on a pro rata basis by $75,000,000.

McCAIN AMENDMENT NO. 3610

Mr. McCAIN proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—CHILDREN'S INTERNET PROTECTION

SECTION 601. SHORT TITLE.

This title may be cited as the ''Childrens' Internet Protection Act''.

SEC. 602. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO IMPLEMENT FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) SCHOOLS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.—

''(A) INTERNET FILTERING.—

''(i) IN GENERAL.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, or other authority with responsibility for administration of the school—

''(I) submits to the Commission a certification described in subparagraph (B); and

''(II) ensures the use of such computers in accordance with the certification.

''(ii) APPLICABILITY.—The prohibition in paragraph (1) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

''(B) CERTIFICATION.—A certification under this subparagraph is a certification that the school, school board, or other authority with responsibility for administration of the school—

''(i) has selected a technology for its computers with Internet access in order to filter or block Internet access through such computers to—

''(I) material that is obscene; and

''(II) child pornography; and

''(ii) is enforcing a policy to ensure the operation of the technology during any use of such computers by minors.

''(C) ADDITIONAL USE OF TECHNOLOGY.—A school, school board, or other authority may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the school, school board, or other authority determines to be inappropriate for minors.

''(D) TIMING OF CERTIFICATIONS.—

''(i) SCHOOLS WITH COMPUTERS ON EFFECTIVE DATE.—

''(I) IN GENERAL.—Subject to subclause (II), in the case of any school covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certification under subparagraph (B) shall be made not later than 30 days after such effective date.

''(II) DELAY.—A certification for a school covered by subclause (I) may be made at a date that is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification on the date otherwise required by that subclause. A school, school board, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of this subclause to the school. Such notice shall specify the date on which the certification with respect to the school shall be effective for purposes of this clause.

''(ii) SCHOOLS ACQUIRING COMPUTERS AFTER EFFECTIVE DATE.—In the case of any school that first becomes covered by this paragraph after such effective date, the certification under subparagraph (B) shall be made not later than 10 days after the date on which the school first becomes so covered.

''(iii) NO REQUIREMENT FOR ADDITIONAL CERTIFICATIONS.—A school that has submitted a certification under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certification under that subparagraph with respect to any computers having Internet access that are acquired by the school after the submittal of the certification.

''(E) NONCOMPLIANCE.—

''(i) FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to submit a certification required by this paragraph shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(iii) TREATMENT OF REIMBURSEMENT.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

''(F) CESSATION DATE.—

''(i) DETERMINATION.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a school to comply with the requirements of this paragraph.

''(ii) NOTIFICATION.—The Commission shall notify telecommunications carriers of each school determined to have failed to comply with the requirements of this paragraph and of the period for which such school shall be liable to make reimbursement under subparagraph (E).

''(G) RECOMMENCEMENT OF DISCOUNTS.—

''(i) RECOMMENCEMENT.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a school to which clause (i) or (ii) of subparagraph (E) applies, the school shall be entitled to services at discount rates under paragraph (1)(B).

''(ii) NOTIFICATION.—The Commission shall notify the school and telecommunications carriers of the recommencement of the school's entitlement to services at discount rates under this subparagraph and of the date on which such recommencement begins.

''(iii) ADDITIONAL NONCOMPLIANCE.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

''(H) PUBLIC AVAILABILITY OF POLICY.—A school, school board, or other authority that enforces a policy under subparagraph (B)(ii) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

''(I) LIMITATION ON FEDERAL ACTION.—

''(i) IN GENERAL.—No agency or instrumentality of the United States Government may—

''(I) establish any criteria for making a determination under subparagraph (C);

''(II) review a determination made by a school, school board, or other authority for purposes of a certification under subparagraph (B); or

''(III) consider the criteria employed by a school, school board, or other authority for purposes of determining the eligibility of a school for services at discount rates under paragraph (1)(B).

''(ii) ACTION BY COMMISSION.—The Commission may not take any action against a school, school board, or other authority for a violation of a provision of this paragraph if the school, school board, or other authority, as the case may be, has made a good faith effort to comply with such provision.''.

(b) LIBRARIES.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

''(6) REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS.—

''(A) INTERNET FILTERING.—

''(i) IN GENERAL.—A library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library—

''(I) submits to the Commission a certification described in subparagraph (B); and

''(II) ensures the use of such computers in accordance with the certification.

''(ii) APPLICABILITY.—The prohibition in paragraph (1) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

''(B) CERTIFICATION.—

''(i) ACCESS OF MINORS TO CERTAIN MATERIAL.—A certification under this subparagraph is a certification that the library—

''(I) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to—

''(aa) material that is obscene;

''(bb) child pornography; and

''(cc) any other material that the library determines to be inappropriate for minors; and

''(II) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers by minors.

''(ii) ACCESS TO CHILD PORNOGRAPHY GENERALLY.—

''(I) IN GENERAL.—A certification under this subparagraph with respect to a library is also a certification that the library—

''(aa) has selected a technology for its computer or computers with Internet access in order to filter or block Internet access through such computer or computers to child pornography; and

''(bb) is enforcing a policy to ensure the operation of the technology during any use of such computer or computers.

''(II) SCOPE.—For purposes of identifying child pornography under subclause (I), a library may utilize the definition of that term in section 2256(8) of title 18, United States Code.

''(III) RELATIONSHIP TO OTHER CERTIFICATIONS.—The certification under this clause is in addition to any other certification applicable with respect to a library under this subparagraph.

''(C) ADDITIONAL USE OF TECHNOLOGY.—A library may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the library determines to be inappropriate for minors.

''(D) TIMING OF CERTIFICATIONS.—

''(i) LIBRARIES WITH COMPUTERS ON EFFECTIVE DATE.—

''(I) IN GENERAL.—In the case of any library covered by this paragraph as of the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act, the certifications under subparagraph (B) shall be made not later than 30 days after such effective date.

''(II) DELAY.—The certifications for a library covered by subclause (I) may be made at a date than is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certifications on the date otherwise required by that subclause. A library shall notify the Commission of the applicability of this subclause to the library. Such notice shall specify the date on which the certifications with respect to the library shall be effective for purposes of this clause.

''(ii) LIBRARIES ACQUIRING COMPUTERS AFTER EFFECTIVE DATE.—In the case of any

library that first becomes subject to the certifications under subparagraph (B) after such effective date, the certifications under that subparagraph shall be made not later than 10 days after the date on which the library first becomes so subject.

''(iii) NO REQUIREMENT FOR ADDITIONAL CERTIFICATIONS.—A library that has submitted the certifications under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certifications under that subparagraph with respect to any computers having Internet access that are acquired by the library after the submittal of such certifications.

''(E) NONCOMPLIANCE.—

''(i) FAILURE TO SUBMIT CERTIFICATION.—Any library that knowingly fails to submit the certifications required by this paragraph shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 602(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

''(iii) TREATMENT OF REIMBURSEMENT.—The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

''(F) CESSATION DATE.—

''(i) DETERMINATION.—The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a library to comply with the requirements of this paragraph.

''(ii) NOTIFICATION.—The Commission shall notify telecommunications carriers of each library determined to have failed to comply with the requirements of this paragraph and of the period for which such library shall be liable to make reimbursement under subparagraph (E).

''(G) RECOMMENCEMENT OF DISCOUNTS.—

''(i) RECOMMENCEMENT.—Upon submittal to the Commission of a certification under subparagraph (B) with respect to a library to which clause (i) or (ii) of subparagraph (E) applies, the library shall be entitled to services at discount rates under paragraph (1)(B).

''(ii) NOTIFICATION.—The Commission shall notify the library and telecommunications carriers of the recommencement of the library's entitlement to services at discount rates under this paragraph and of the date on which such recommencement begins.

''(iii) ADDITIONAL NONCOMPLIANCE.—The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

''(H) PUBLIC AVAILABILITY OF POLICY.—A library that enforces a policy under clause (i)(II) or (ii)(I)(bb) of subparagraph (B) shall take appropriate actions to ensure the ready availability to the public of information on such policy and on its policy, if any, relating to the use of technology under subparagraph (C).

''(I) LIMITATION ON FEDERAL ACTION.—

''(i) IN GENERAL.—No agency or instrumentality of the United States Government may—

''(I) establish any criteria for making a determination under subparagraph (C);

''(II) review a determination made by a library for purposes of a certification under subparagraph (B); or

''(III) consider the criteria employed by a library purposes of determining the eligibility of the library for services at discount rates under paragraph (1)(B).

''(ii) ACTION BY COMMISSION.—The Commission may not take any action against a library for a violation of a provision of this paragraph if the library has made a good faith effort to comply with such provision.''.

(c) MINOR DEFINED.—Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

''(D) MINOR.—The term 'minor' means any individual who has not attained the age of 17 years.''.

(d) CONFORMING AMENDMENT.—Paragraph (4) of such section is amended by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)''.

(e) SEPARABILITY.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) REGULATIONS.—

(1) REQUIREMENT.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the requirements prescribed under paragraph (1) shall take effect 120 days after the date of the enactment of this Act.

(g) AVAILABILITY OF RATES.—Discounted rates under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B))—

(1) shall be available in amounts up to the annual cap on Federal universal service support for schools and libraries only for services covered by Federal Communications Commission regulations on priorities for funding telecommunications services, Internet access, Internet services, and Internet connections that assign priority for available funds for the poorest schools; and

(2) to the extent made available under paragraph (1), may be used for the purchase or acquisition of filtering or blocking products necessary to meet the requirements of section 254(h)(5) and (6) of that Act, but not for the purchase of software or other technology other than what is required to meet those requirements.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

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 Wednesday, June 28, 2000, at 2:30 p.m., in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA–21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony from representatives of the United States General Accounting Office on their investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The hearing will take place on Thursday, July 20, 2000, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, July 19, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two

copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 22, 2000, at 9:30 a.m., on the continuation of the hearing on the United/US Airways merger.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 10 a.m., to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to 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 a Reconciliation Place in Fort Pierre, SD; and S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe certain benefits of the Missouri River Pick-Sloan Project. To be followed by a hearing, on the Indian Trust Resolution Corporation.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 2000, at 10 a.m., in SD226.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a hearing on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, June 22, 2000, at 9:30 a.m., in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, June 22, 2000, at 2 p.m., in SD226.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Thursday, June 22, 2000, at 3 p.m., to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 22, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

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

PRIVILEGES OF THE FLOOR

Mr. ROBB. Mr. President, I ask unanimous consent that Jennifer Riggle, a fellow in my office, be permitted the privilege of the floor for the duration of the consideration of H.R. 4577.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Kelly O'Brien of my office be granted the privilege of the floor.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that George Dowdull, a fellow for Senator BIDEN, be granted the privilege of the floor during consideration of the Labor-HHS appropriations bill.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Carlyn Lamia be granted the privilege of the floor during the debate on this bill.

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

Mr. ENZI. Mr. President, I ask unanimous consent that the following people be given floor privileges during the course of this appropriations debate: Elizabeth Smith, Raissa Geary, Katherine McGuire, John Kim.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that floor privileges be granted to Mark Laisch, Jon Retzlaff, Lisa Bernhardt, and Cathy Wilson during the consideration of the Labor, Health and Human Services, and Education Appropriations bill.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–32

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following amendment transmitted to the Senate on June 22, 2000, by the President of the United States:

Amendment to the Montreal Protocol (''Beijing Amendment'') (Treaty Document No. 106–32);

I further ask unanimous consent that the amendment be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the ''Montreal Protocol''), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the ''Beijing Amendment''). The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Beijing Amendment, which was negotiated under the auspices of the United Nations Environment Program, are the addition of trade controls on hydrochlorofluorocarbons (HCFCs), the addition of production controls of HCFCs, the addition of bromochloromethane to the substances controlled under the Montreal Protocol, and the addition of mandatory reporting requirements on the use of methyl bromide for quarantine and preshipment purposes. The Beijing Amendment will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

By its terms, the Beijing Amendment will enter into force on January 1, 2001,

provided that at least 20 parties have indicated their consent to be bound. The Beijing Amendment provides that no State may become a party unless it previously has become (or simultaneously becomes) a party to the 1997 Montreal Amendment. The Montreal Amendment is currently before the Senate for its advice and consent to ratification (Senate Treaty Doc. No. 106–10).

I recommend that the Senate give early and favorable consideration to the Beijing Amendment and give its advice and consent to ratification, at the same time as it gives its advice and consent to ratification of the Montreal Amendment.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 22, 2000*.

MEASURES PLACED ON THE CALENDAR—H.R. 4601 AND H.R. 3859

Mr. BOND. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce public debt and to decrease the statutory limit on the public debt.

A bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

Mr. BOND. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

ORDERS FOR FRIDAY, JUNE 23, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 23. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor-Health and Human Services appropriations bill, with Senator BOND to be recognized to offer his amendment regarding community health centers.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will resume the Labor-HHS appropriations bill. Senator BOND will offer his amendment regarding community health centers. Further, amendments are to be expected to be offered and debated throughout tomorrow's session, with any votes ordered to be stacked to occur at a time to be determined next week. Senators should be aware that votes may also occur in relation to the Department of Defense authorization bill early next week. Senators are encouraged to work with the bill managers as early as possible if they intend to offer amendments to the Labor appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. 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 9:49 p.m., adjourned until Friday, June 23, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 2000:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON E. ADAMS, 0000
CAPT. STEVEN E. HART, 0000
CAPT. LOUIS V. IASIELLO, 0000
CAPT. STEVEN W. MAAS, 0000
CAPT. WILLIAM J. MAGUIRE, 0000
CAPT. JOHN M. MATECZUN, 0000
CAPT. ROBERT L. PHILLIPS, 0000
CAPT. DAVID D. PRUETT, 0000
CAPT. DENNIS D. WOOFTER, 0000

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 22, 2000.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. C. Frederick Horbach, Memorial Presbyterian Church, Vineland, New Jersey, offered the following prayer:

Eternal God, by whom alone all exists, through whom alone we all are sustained, in whom alone we all must seek direction and find purpose.

We confess that we are a Nation in progress, ever seeking to fulfill a divine mandate to establish liberty and justice for all the people. As such, we need Your guiding hand along the way of our pilgrimage. Look with favor, we pray, upon this our Nation and grant Your blessing for the journey.

Equip, O Lord, the President of the United States, the Members of Congress, and all others in authority with uncommon wisdom, unwavering courage and unfailing dedication to seek, to know, and to do Your will.

Through Christ our Lord. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. PRYCE) come forward and lead the House in the Pledge of Allegiance.

Ms. PRYCE of Ohio led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minutes will be conducted at the close of business today, but for the purposes of an introduction, the Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

WELCOMING REVEREND DR. C. FREDERICK HORBACH

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

Mr. LOBIONDO. Thank you, Mr. Speaker, for allowing me the opportunity and the honor today to welcome Dr. C. Frederick Horbach of Elmer, New Jersey, as our guest chaplain.

An ordained minister in the Presbyterian Church, Dr. Horbach has served at churches in Audubon, Elmer and Burlington, New Jersey. An educator, he recently retired after a 28-year tenure with the Cumberland County College where he taught courses in religion, art and philosophy. He is currently pastor of the Memorial Presbyterian Church in my hometown of Vineland, New Jersey.

Having earned an A.B. degree from Elizabeth Town College, a master's of divinity degree from the Princeton Theological Seminary, a master's of sacred theology and a Ph.D. for his research in art and religion from Temple University, Dr. Horbach's knowledge and background in theology is vast.

His parishioners, however, will tell you that his greatest attributes are the interest, compassion and dedication he brings to his work. I am pleased that he and members of his family are able to join us today and would like to thank the House for this opportunity to recognize his many achievements.

PROVIDING FOR CONSIDERATION OF H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendments under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 530 is a structured rule that governs the consideration of H.R. 4516, the Legislative Branch appropriations bill for fiscal year 2001. The rule waives points of order against consideration of the bill for failure to comply with section 401(a) of the Congressional Budget Act related to contract borrowing and credit authority. The rule also waives

points of order against provisions of the bill for failure to comply with clause 2 of rule XXI regarding unauthorized or legislative provisions in an appropriations bill.

Under the rule, there will be 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Appropriations. After general debate the rule provides for consideration of only those amendments listed in the Committee on Rules report. This type of structured rule has become customary for Legislative Branch spending bills because of the controversy that often surrounds them.

In the case of H.R. 4516, we have heard significant criticism about the funding levels in the bill, but those concerns should be allayed by this rule which makes in order a bipartisan manager's amendment that will add an extra $95.8 million to the bill. These extra dollars will provide for a cost of living increase for House staff and the Capitol Police, as well as make possible the addition of 48 officers to the police force. The Library of Congress will benefit from an extra $7.6 million to restore Congressional Research Service staff and provide for pay raises. The Government Printing Office will get $18.3 million more, including funds to maintain documents in the depository program that are only available in paper form. Funds will also be added to the accounts of the Architect of the Capitol, the General Accounting Office, and the Congressional Budget Office.

In addition to the manager's amendment which should quell most if not all of the controversy surrounding this legislation, the rule makes in order two other amendments. The first is a bipartisan amendment that would allow Members who do not use their entire budget allowance to return any unused portion to the Treasury. The savings would then be devoted to deficit or debt reduction. This concept, which has earned broad support in the past, encourages Members of Congress to lead by example and be frugal in their use of taxpayer dollars.

In the same vein of fiscal responsibility, the second amendment would devote all the savings from successful appropriations amendments that cut spending to debt reduction, unless the amendment already redirects the savings to other discretionary programs.

The three amendments listed in the Committee on Rules report may be offered only by the Member designated in the report and shall be debatable for the time specified in the report. These amendments shall not be subject to amendment or to a demand for division of the question in the House or the Committee of the Whole. Finally, the rule provides the minority with an opportunity to offer a motion to recommit, with or without instructions.

As a testament to the good work of the gentleman from North Carolina (Mr. TAYLOR) and his subcommittee, only nine amendments were filed with the Committee on Rules. Of those, three were withdrawn and one is the manager's amendment. On Tuesday, only one Member besides the chairman and ranking member of the subcommittee testified on his amendment to the bill. So it would appear that there are few concerns about the bill and that this rule, even with its limitations, fulfills the needs of the vast majority of House Members.

Mr. Speaker, the fiscal year 2001 Legislative Branch appropriations bill continues our efforts which began in 1994 to scale back the Federal Government and balance the budget by cutting our spending first. Over the last 6 years, Congress has saved the taxpayers $1.5 billion by looking to its own operations, staff and support systems for places to cut waste and inefficiencies. Since 1994, more than 5,900 positions have been eliminated, and all told we have downsized the Legislative Branch of government by 21 percent. This year's bill continues down this path of fiscal restraint, and legislative spending will be reduced by almost $10 million, even with the added spending in the manager's amendment. Our efforts prove that Congress is willing to look in its own backyard and do its part to cut spending, balance the budget and pay down the debt.

Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. TAYLOR) and the rest of the subcommittee for their hard work to put together a very lean bill in keeping with their allocation. They were willing to make the tough choices necessary to maintain fiscal responsibility and the American taxpayers appreciate it. Even with the addition of the manager's amendment, total spending on the Legislative Branch will be reduced from last year.

In closing, Mr. Speaker, this is a fair rule that is responsive to the concerns of the Members of this House and it deserves our support. I urge a ''yes'' vote on the rule and support for a reasonable Legislative Branch spending bill which continues our commitment to a smaller, smarter government that works for the American people.

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

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

Mr. Speaker, I rise in opposition to this rule as well as to the Legislative Branch appropriations bill for fiscal year 2001. This rule is unfair and the bill is a prima facie case of penny wise and pound foolish. By grossly underfunding the operations of the Congress and its related agencies in order to live up to the terms of the Republican budget resolution, the reported bill endangers the safety of every Member, staff person and visitor to this building and our office buildings. As reported, the bill could lead to layoffs in our own offices as well as in all the support agencies of Congress and would deny cost of living adjustments to those staff who still had a job. The cuts in the reported bill would have eliminated funding for maintenance and safety improvements for this magnificent building that we are so privileged to work in as Members of Congress. In short, Mr. Speaker, this bill would hamper the ability of the Congress to do its job.

I am frankly amazed that the Republican majority has so little regard for this institution and the people who work in it.

□ 1015

The subcommittee chairman told the Committee on Rules that the Republican majority has saved the American taxpayer $1.5 billion in legislative branch funding since taking control of the Congress in 1995, but I have to ask, Mr. Speaker, at what cost have these savings been made.

I can certainly see the costs in the staff who work for us and by extension, for our constituents. Mr. Speaker, it has become increasingly difficult to attract or keep experienced staff, especially in this tight labor market, and especially when the Senate can pay staff considerably higher salaries.

I have the greatest admiration for the hundreds of young men and women who work in our offices and on the committees of this body, but we cannot hope to keep the best and the brightest of them if we cannot pay competitive salaries.

Paying the staff who work for us is not a waste of the taxpayers' money, Mr. Speaker, and losing staff with the expertise and the complicated subjects we must address certainly will not help us do our job better. Fortunately, the manager's amendment restores some essential funding for the operation of the House, including the fiscal year 2001 COLA for staff and funds that will avert large-scale layoffs.

But this restoration of funds for the House operations, as well as the operations of the support agencies of the Congress, only came after the Republican leadership was embarrassed publicly. The manager's amendment adds $95.8 million to the bill, but, Mr. Speaker, even with this additional funding, we still face a cut from current services, and the bill makes no investment for the future of this institution.

As a case in point, I would like to point to the Congressional Research Service, an organization that is critically important to all of our personal offices as well as to every committee. Some of the most valuable assets the House has at its disposal are the senior analysts at CRS whose institutional memory, extensive knowledge and proven abilities are at our disposal.

Yet, Mr. Speaker, many of these senior analysts are approaching retirement and in an effort to properly train

their replacements CRS has undertaken a ''succession initiative.''

This initiative is designed to hire junior employees to work alongside of the senior analysts they will eventually replace in order to benefit from the years of experience and knowledge of those analysts.

This is a wise investment in the future, Mr. Speaker, yet, this bill and the manager's amendment do not fund the initiative. I have to ask the Republican leadership if investing in the information resources this Congress depends on is a waste of the taxpayers' money or if it helps us do our job better?

Even with the addition of the funds in the manager's amendment, the Government Accounting Office and the Government Printing Office are still underfunded if we want them to serve the Congress in the manner we have come to expect.

I cannot see how shortchanging these organizations ultimately saves the taxpayer one red cent. Mr. Speaker, I cannot support this bill. This bill cuts the legislative branch to the quick in order to pay for an irresponsible Republican tax cut. This bill is merely a symptom of the Republican majority's refusal to address the real needs of this country, saving Social Security and Medicare, investing in education, and providing a prescription drug benefit for senior Americans.

I also cannot support this rule, Mr. Speaker. The Republican majority on the Committee on Rules needlessly denied Democratic Members the right to offer amendments to this bill, while at the same time making an unnecessary political point making Republican amendment in order.

For example, the gentleman from Maryland (Mr. WYNN) sought the right to offer an amendment which would have stricken a provision in the bill which would allow the Library of Congress to circumvent the terms of a negotiated settlement in Cook v. Billington, a class-action suit brought by African-American employees of the Library.

Why the Republican majority could not allow the gentleman from Maryland (Mr. WYNN) to offer this amendment is a question for the ages, Mr. Speaker, but because of the Republican majority refusal to allow this matter to be debated, I must oppose this rule.

Mr. Speaker, this is an unfair rule for a very bad bill. I urge Members to oppose the rule and oppose the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I have no speakers, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations.

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

Mr. Speaker, I guess what this rule shows today is that no matter how hard and no matter how many rank and file Members work to try to reach a bipartisan agreement on appropriation bills, that, in the end, the majority party leadership insists on following a practice which will, once again, turn what should have been a bipartisan bill into another dog fight. I see no constructive purpose to be served by that.

Secondly, it puts provisions in this bill which are absolutely not germane to this bill.

The problem we have is that we have gone through this session and time after time after time, we have been told by the majority party thou shalt not offer nongermane legislative items to appropriation bills. And, yet, this bill does the very thing which we have been lectured on repeatedly and puts in order an amendment which most certainly goes far behind the scope of this bill; that is the so-called lockbox amendment.

Mr. Speaker, I have no expectation that I will win this point today, because I know that, especially in an election year, Members, unfortunately a lot of Members, focus a whole lot more on the political look of a proposal than they do on the substantive result.

Nonetheless, having the maddening tendency to expect reason and logic to penetrate legislative debate, I am going to make an argument on it, and my point is simply this: Right now, when we pass a budget resolution, that budget resolution gives us a certain number that we are supposed to work off for the remainder of the year in assigning priorities to different appropriation subcommittees.

The Committee on Appropriations has to reconcile desires, conflicting desires, to use every dollar in that allocation for a wide variety of purposes, thousands of competing demands for those resources. This amendment will make that process immeasurably more complicated. It will contribute immeasurably to additional delay in the consideration of appropriations conference reports and make more likely both a government shutdown and makes more likely the fact that you will never get your work done.

And here is why I say that: Right now if a Member offers an amendment on the floor that cuts a million dollars out of, say, a bomber program in the House, if this provision were in place, that money would have to be put in the lockbox, and you could not then spend it. You could not then spend it for other items in other subcommittee areas.

And then let us say the Senate, if the Senate, operating under the same rule, cut a million dollars from another weapons system, that money could not then be spent in conference and yet you would have lowered the overall amount by $2 million, each body would have lowered it for a different item, and you would have no way to reconcile that without cutting other Defense programs that neither House had any intention of cutting.

This is one of those amendments that looks terrific if you have never been on the committee that has to work through these compromises, if you have never served on an appropriations conference committee. This is one of those amendments that looks fine on the surface, but when you get into the detail, makes this place an immeasurably more difficult place in which to get our work done.

Now, if the majority party leadership thinks that is a constructive thing to do, then it is certainly within their power to impose this decision on the House. But I, for one, having worked for weeks trying to negotiate a reasonable compromise on this bill and having thought that we had done just that until a day ago, I now discover that, once again, we have got a political amendment coming in from left field.

It is not a constructive thing to do, and I do not intend to vote for either this rule or this bill if that amendment is adopted.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield as much time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Ohio (Ms. PRYCE) for yielding me the time and congratulate her for leading this very important piece of legislation, which, obviously, based on what I have heard from the other side, seems to be controversial. I am happy we are going to be proceeding with a bipartisan manager's amendment.

My very good friend, the gentleman from Arizona, (Mr. PASTOR) has been working closely with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee of Legislative, and I believe that we will have addressed a number of the concerns that have been raised by Members so far in that manager's amendment, and I think that is a positive thing.

I am pleased that this bill, under the leadership of my very good friend, the gentleman from Florida (Mr. YOUNG), and the gentleman from North Carolina (Mr. TAYLOR) and others is continuing to pursue that goal which we have effectively implemented over the past several years since we have taken control, and that is making this institution more open and accountable to the American people while at the same time ensuring that we have the resources necessary to keep this very important first branch.

Look at the Constitution, the first branch of the Federal Government in operation. Now, when we look at the

challenges that we have here in this institution, making sure that we have first-rate Capitol Police, the Architect of the Capitol, and we know that this work has been going on outside on the Dome there and it looks as if they are moving ahead very effectively with that. Now, that symbol to the rest of the world that we are the beacon of hope and freedom is an important one, and coverage for that comes within this legislative branch bill.

The Government Printing Office is very important, the General Accounting Office, and under this manager's amendment that the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) have worked on, it is going to ensure that we do not have to face layoffs there. I want to specifically raise an issue which I believe is very important for the people whom I am privileged to represent and I know for people all over the country.

In the manager's amendment there will be the restoration of $13 million dollars to ensure that our constituents are going to be able to go to the comfort of their local library and have access to very important information. I want to do everything that we possibly can to encourage the accessibility through electronic means of documents that come from the Federal Government, but we cannot forget the fact that there are people who do want to have the hard copy, the printed access to printed material.

I believe that the manager's amendment that the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) have worked on will restore those funds which are very important.

I believe this is a fair rule. It is a very balanced rule. It takes into consideration a wide range of concerns. And I want to congratulate the gentleman from Florida (Chairman YOUNG) for once again keeping us right on schedule, moving ahead with this very important measure. We all anxiously look forward to the completion of all 13 appropriation bills, and I am happy that, when possible, we have been able to work in a bipartisan way, and I am hoping that we will be able to do that in the coming weeks.

□ 1030

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Speaker, I stand in support of this rule and also the bill, as I have in committee. I know the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Florida (Mr. YOUNG) have worked very carefully to try to design a bill that takes care of the needs of running the government here, but also at the same time keeping a close eye on the budget and the constraints.

I also wanted to mention the question of the lockbox, because I think it is important for us to have this lockbox amendment. The reason why, as a new Member to the United States Congress in 1993, I remember we were trying to put in some fiscal discipline and restraint in our spending.

At the time, one of our fellow class members, MIKE CRAPO from Idaho, who is now across the hall, he had an idea we should do something like this. The reason why is we would debate for hours cutting something from the budget, something that some Members supported, some Members did not support. But the idea behind it was that we would fight for two or three hours in good, honest debate and we would eliminate this item and save $1 million, $2 million, $10 million, whatever.

Then we would go home and think, boy, that was good, we cut $1 million out of the budget. But we find out we did not cut it out of the budget, all we did was put it aside. Then the bill would progress through the system, get into the Senate, and they would spend it because the bill did not reduce itself in the amount.

Can Members imagine sitting around the table and writing down the grocery list. They go to the grocery store and say, I am going to buy some steak. Steak is say $10. I do not really know the price of that. Number one, I am not running for the Senate, where you have to know the price of groceries. Number two, we do not buy steak in our family. We have four kids. We just cannot do it.

But say we are going to buy steak and it is $10, and we go there and say, we really do not have this money. We need to buy hamburger, instead. That is $5. We do not say, obviously, that we are going to buy $10 worth of hamburgers. The point, the purpose of the whole exercise is to save the money and put the extra $5 in our pocket and use that for the car payment, the house payment, gasoline, or whatever.

That is what American families do every day. But in the United States Congress, what we say is we are not going to eat steak, we are just going to spend an equal amount of money elsewhere. That is ridiculous. Our whole idea is that when we had a fair debate and an honest vote to save money, then that money should go into a lockbox and be protected for social security or Medicare and no other purpose.

For 30 years this Congress on a bipartisan basis raided the social security trust fund and used the money for other expenses. Our idea is to put it in that vault and keep it for our retirements, what private companies do with pension plans. And it makes common sense.

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

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, the example the gentleman gave where one goes to the grocery store with $10 and decides that they can only buy or want to buy $5 of hamburger, which we all do, then we may want to spend that money for gas or for maybe other items in the grocery store.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, that is what we are asking to do by denying the Ryan amendment. If we are only able to spend $5 for hamburgers, but yet we know we have other priorities where we want to spend the money, in the Committee on Appropriations we want the flexibility to do that. If we put it in the lockbox, as I understand the amendment, then we spend the $5 and we will not have the flexibility to pay the gas and pay the electric bills.

I think what we are asking and saying is that the concept is good, but in the procedure and the process as we try to work in funding the government, and programs that people may want or we think are important, we lose that flexibility. I think that is why the debate is against the Ryan amendment.

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

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to give an example. The Slaughter amendment that was on the floor last week on the arts, the gentlewoman from New York in an earlier paragraph of the bill tried to cut several million dollars from one account so that when we got to the next paragraph in the bill, she could use that money for another purpose. She was not allowed by the House to consider both items at the same time.

So the House first adopted the first half of her amendment, and then had a donnybrook about what would happen to it when we got to the next paragraph.

If she had instead told the House that she wanted to cut $22 million out of the Interior bill so that when we came to this bill we could use it for border inspectors, for instance, what that lockbox amendment would say is that we could not transfer that money for that purpose. We could only use it to reduce the amount of spending in that bill, and we could not use it for the purpose which was intended, because our rules prevent us from transferring money from one appropriation bill to another at that point in time.

That is the problem with the bill. It means that the legislative intent of the House as expressed by the sponsor, if a majority votes for that amendment, cannot then be carried out in a subsequent bill. That is why the lockbox is a well-intentioned idea but it has a

harebrained result, and it does not have diddly squat to do with Medicare and social security, and the gentleman knows it. If he does not, he ought to go back and look at the rules.

Mr. PASTOR. Let me make another point, Mr. Speaker. When we adopted the budget it gave us an allocation for the Committee on Appropriations, on which my dear friend also serves. We have been involved in a number of the allocations, how they go up, they go down, because there are priorities that the majority may want. There are needs.

Everybody is for reducing the debt. I think that is decided when we develop or adopt the budget. Once we adopt the allocation, there are debates in subcommittee, there are debates in committee, and then we have to go to the floor. Then we have to go to conference with the Senate.

I believe what this amendment does is basically ties the gentleman's hands and my hands to be able to debate and determine priorities, and be able to buy 5 pounds of hamburger, but also spend some additional money that we may need for other purposes.

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

Mr. PASTOR. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, the way I look at it is that the intent is to put the money in fact in Medicare as opposed to the NEA or the AmeriCorps or public broadcasting or whatever else. The idea behind it is to say Medicare is a much higher priority, and we are comfortable in making that blanket statement.

As the gentleman knows, we can continue in the Committee on Appropriations on the subcommittee and the full committee level to move monies back and forth, and we can have offsets within the title of a bill, or even on the House floor with it.

But I do not consider it a big partisan issue. I think now the Vice President has actually endorsed this idea, so I do not consider this a partisan thing whatsoever. But I do think that it is just an idea that would further protect Medicare and social security. That is why I have supported it.

Mr. PASTOR. Reclaiming my time, Mr. Speaker, it is an idea, but once we adopt the amendment it becomes part of the law. I think the intent is great, but the result if adopted is going to hinder the gentleman and hinder me in the appropriation process to be able to allocate money for those priorities that we may have.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Speaker, I support the rule.

There are going to be three amendments. One will be an amendment supported by the gentleman from Arizona (Mr. PASTOR), the ranking member, and myself. We have worked hard since the original 302 allocations were given our committee, and they have been raised. We have been successful in that effort, and the amendment that we will take up first will be to debate and to offer the House the changes that we have made.

If we do not pass the rule, we cannot debate the other amendments, and they will have debate, and then we can let the House work its will on the other two amendments that we have. We think that this is a good bill. We think that the technology that we have used is enabling the House, like the rest of the country in its use of technology, to be more efficient and carry on the work of the Congress. So I urge passage of the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule. I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, this is a fair rule. It addresses the major points of controversy in a bipartisan manner. The Committee on Rules and the House leadership have responded to the concerns about the funding levels for the personnel who support this institution.

That is why the rule makes in order a manager's amendment to add resources to support the Capitol Police, House staff, CRS employees, and others who work hard to make the legislative branch a safe and efficient work environment, as well as a top tourist attraction for our visitors.

In addition, the rule offers my colleagues the opportunity to vote for greater fiscal responsibility, not only through passage of the underlying bill, but also through amendments that would allow us to devote more resources to that reduction.

I urge my colleagues to vote yes on this fair rule, and urge those who talk the talk about fiscal responsibility to walk the walk and support the Leg branch appropriations bill.

Mr. COBLE. Mr. Speaker, I rise to support the rule that is under consideration and urge all of my colleagues to join me. In addition, I must voice my support of the U.S. Copyright Office. While great efforts were made in funding this bill, I urge my colleagues to restore the minimum necessary funding which the Office requires for its operations on behalf of the public interest during the House-Senate conference.

Mr. Speaker, the Judiciary Committee retains jurisdiction over copyright law. I think I speak for all who are privileged to serve on this committee by acknowledging that we could not function effectively without the assistance of the Copyright Office. The Office works with our constituents—individuals as well as businesses and the high tech community—who register original works of authorship for protection under title 17 of the U.S. Code. The advice and counsel afforded the Congress by the Register's policy staff have been indispensable in our efforts to develop good copyright law through the years. The United States is the world leader in the development and export of intellectual property, including copyrighted works. We cannot take the sustenance of this vital component of our national economy for granted; and as such, we cannot take the services of the Copyright Office for granted.

I have great respect for our appropriators, and I acknowledge that they have an unenviable task. That said, the cuts contemplated in the bill before us are based on erroneous assumptions. To begin with, the Copyright Act prescribes a two-year process by which new fees are established. The Office raised fees only last July. In addition, it is in the process of reviewing a new fee schedule which, if approved by Congress, will take effect in 2002.

In light of this background, Mr. Speaker, the cuts set forth in this bill are untenable. A full $5-million hit will result in a 38 percent reduction in the net appropriations of the Office. In lay terms, this translates into a 27 percent staff reduction, or 130 employees. Again, the Office cannot raise fees until 2002 at the earliest, so the revenue cannot be made up or redirected from elsewhere. This would include tapping the so-called "No Year Account" of roughly $2 million, which is being held to offset expected deficits in 2002. Even if the Office uses these funds, there will still be staff reductions totaling 78 workers in the upcoming fiscal year, and another 52 workers in 2002.

Mr. Speaker, we are talking about all of $5 million for a government entity that provides critical services to the Congress and the public. If we are to continue as the world leader in the development and export of intellectual property we must ensure that the Copyright Office is adequately funded. It is my greatest hope that upon the meeting of the Legislative Branch conference, they will have the ability to re-visit this issue and fully restore Copyright Office funding.

Mr. HYDE. Mr. Speaker, I rise in support of the rule and urge each of my colleagues to pass this rule. However, tonight I also appear before you in support of full funding for the U.S. Copyright Office.

The bill that the House will consider later tonight, as explained to me, represents a 38 percent reduction in the Office's total net funding. In human terms, this corresponds to a pink slip for at least one of every four employees at the Office. And siphoning money from the Office's "No Year Account" will only delay the inevitable; roughly the same number of people would lose their jobs through Fiscal Year 2002.

Mr. Speaker, we are talking about all of $5 million for what amounts to a tiny government entity. Tiny, but important. The Copyright Office registers works submitted for copyrights and makes these works available to the Library of Congress for its collections and exchange programs. The resulting cuts set forth in the bill would greatly compromise the ability of the Office to provide a timely and accurate

public records of copyright ownership. Applications for registrations would plummet, thereby generating irreplaceable losses to the collections of the Library of Congress. The mandatory deposit system, along with public information services, would suffer. And from our own little corner of the world, we in the Congress would be denied necessary counsel from the leading federal entity on copyright law and policy.

Mr. Speaker, copyright industries constitute the largest segment of our national economy. While I both respect and admire the work of the appropriators, in this instance I believe the Congress is acting in a penny-wise but pound-foolish manner. While I support passage of the rule and the forthcoming bill, it is my hope that during the conference it is possible to restore the necessary funding for the U.S. Copyright Office.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 173, not voting 27, as follows:

[Roll No. 311]

YEAS—234

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

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

NOT VOTING—27

Archer
Baker
Cook
Cummings
Engel
English
Fattah
Filner
Fossella
Hobson
Hunter
Klink
Kuykendall
McCollum
McCrery
Mollohan
Porter
Rangel
Roybal-Allard
Tauzin
Thomas
Towns
Vento
Visclosky
Wise
Wynn
Young (AK)

□ 1100

Messrs. MOAKLEY, UDALL of New Mexico, DOGGETT, and RAHALL changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 20001

The SPEAKER pro tempore. Pursuant to House Resolution 530 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. 4516.

□ 1103

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. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, with Mr. HANSEN in the Chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present the Legislative Branch appropriation bill for fiscal year 2001. First, I want to begin by thanking the members of the Subcommittee on Legislative for their hard work in writing this bill. They include the gentleman from Tennessee (Mr. WAMP), the vice chairman; the gentleman from California (Mr. LEWIS), a long-time member of the subcommittee; the gentlewoman from Texas (Ms. GRANGER); and the gentleman from Pennsylvania (Mr. PITTS).

Then we have the gentleman from Arizona (Mr. PASTOR), the ranking member, who has worked hard with the committee and myself to prepare this bill; the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Maryland (Mr. HOYER), who are our other members of the subcommittee.

I also want to thank the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the full committee ranking minority member for their assistance.

The bill was considered and ordered reported by the full committee on May 9. The bill was actually reported to the House May 23, 2000.

Mr. Chairman, the bill continues the program begun in the 104th Congress to right-size the legislative branch of government. We have become more efficient, with a smaller workforce, and use technology wherever we can, as long as it helps us to do our jobs better. We have done those things.

Since fiscal 1995, the last year of the other party's control of the House, we have reduced the legislative branch appropriation in real terms by a very significant amount. Had spending on legislative branch followed the old trend that we were on long before the Republican majority took over, the bill would total over $2.2 billion, fully $400 million higher than the bill we brought to the House today.

Together, Mr. Chairman, with my predecessor subcommittee chairman, the gentleman from California (Mr. PACKARD), and the gentleman from New York (Mr. WALSH), we have saved the taxpayers nearly $1.5 billion in the last 6 years, if all the Senate operations are included.

Since the early 1990s, legislative branch employment has been reduced by a full 8,217 full-time jobs. That is a reduction of 21.5 percent of our entire workforce. In comparison, the executive branch has only reduced their workforce by 10 percent, and the Judiciary has actually increased by 13.2 percent.

The fiscal year legislative branch appropriation bill totals $1.8 billion in new obligation authority, of which $1.1 billion is for congressional operations, exclusive of Senate items. This includes operations of the House, Congressional Budget Office, several joint items, the Architect of the Capitol, and congressional printing. The balance of the bill, $705 million, is for the operations of other legislative branch agencies, such as the General Accounting Office, Library of Congress, and the Superintendent of Documents.

The bill is actually $281 million below the budget request, a 13.4 percent reduction, and is $105 million below the current fiscal year, including the pending supplement, a 5.5 percent reduction.

Mr. Chairman, those are the general parameters of the bill. I am not going into the details because I do have an amendment. Since the bill was marked up by the subcommittee, we have worked hard to raise the 302 allocations. We have succeeded. Our new allocation has given us the ability to present to the House a bill that both saves the country money by using technology, as technology has made our entire country more efficient, it is working in the legislature, and still enable us to carry on the work of the Congress and its agencies. Consequently, I have asked the Committee on Rules to allow, and the rule does allow, a manager's amendment, which I will offer at the conclusion of debate.

This amendment has been worked out in a bipartisan manner. It reflects guidance from the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and our leadership; it incorporates several suggestions made by the gentleman from Wisconsin (Mr. OBEY), the ranking member of our full committee; and the ranking member of the subcommittee, the gentleman from Arizona (Mr. PASTOR). We are happy to offer this amendment.

This amendment will avoid unwise and counterproductive layoffs, will maintain capitol security, building maintenance, and research and oversight capabilities at the Congressional Research Service and the General Accounting Office. It will provide the House with the staff, resources, and research capabilities needed to conduct our business. It will provide the necessary security to protect visitors, Members, staff and legislative activities.

There will be no need for layoffs, no need to withhold cost of living or merit increases for those who are eligible or otherwise deserve such salary adjustments. There will be no reductions in force in any of the legislative branch agencies. There will still be an overall estimated decrease of 536 FTEs. However, these staff reductions can be achieved through buyouts and attrition.

Mr. Chairman, I will defer further explanation until the appropriate time.

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

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

Mr. Chairman, I stand in support of the manager's amendment. As my colleagues know, as we came out of the committee, the Committee on Appropriations, there were great concerns over security, maintenance of the buildings, and whether or not the supportive agencies that support this Congress were funded appropriately.

Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for working on this bill, the manager's amendment, in a very bipartisan manner. The gentleman from North Carolina has involved me in all the negotiations and working on this manager's amendment, so I want to thank him for the bipartisan workmanship he has provided.

Mr. Chairman, with the additional money that has been found, we have now been able to restore in the Member's account monies that would allow the Members to give cost of living to the staff. It will ensure that the new Members and the transition costs that they will encounter will be met. It also restores money for equipment purchases in the Members' offices. And as far as Members' offices are concerned, it brings the money that is needed for personnel and equipment.

As it deals with the police, it restores all the COLAs, all the additional benefits that are needed and required, and it brings the current staff on board to 1,361. There will be no RIFs. The current class of about 96 trainees will be incorporated, and it will allow an additional class of 48 trainees. So the issue of security is addressed. And I would tell my colleagues that I think that it is restored to the level that we want.

I would like to make a comment on the police. In the past, there has been some concern over management and administration. In this bill, we have language that fences some of this money so that, hopefully, we can get the cooperation of the police board and the new chief as we solve security problems. As we are able to install more security equipment, we need to look at what other policies we can change so that we can maintain the security that is desired, at least two people at the door, but, at the same time, minimize overtime and additional personnel.

We need to work together to ensure that the Capitol and the House buildings are secured, but we need to ensure that policies are implemented that answer the problems of not only more personnel but the working relationship with the police board, the chief, and the appropriate House committees so we can ensure that we are secure but the monies are used effectively.

□ 1115

To CBO we restore funding for 215 full-time employees, and we believe that attrition will cover this and CBO is allowed discretion.

The Architect, his budget avoids RIFs and allows for next year's new

Members' transition and funds the daytime cleaning services, something we were concerned about as this bill left the committee.

CRS, very important to us. They have an accession program in place. This bill, if adopted by the manager's amendment, will restore all the CRS staff. It allows a pay increase and it will allow the accession program to continue.

There are some cuts in the GPO and also the GAO, but we are working with them to ensure that the programs that are in place would allow them to deal with this budget and be successful in providing services to the Congress.

So, Mr. Chairman, we are supportive of the manager's amendment. We would ask our Members to support it in order that this House will continue to provide its services to its constituents.

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

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, first of all, let me thank the chairman of the subcommittee and the ranking member, the gentleman from Arizona (Mr. PASTOR).

Part of the dialogue this morning is on the Capitol Police purchasing American-made motorcycles. We went through this some years back. In fact, they did get the use of a Harley-Davidson to use on the Capitol Grounds.

The upshot was that the officers involved in the trial period really love the new cycle. It would be equipped so they could use it for traffic stops and other type of police functions.

However, before the order actually went through, there was a row with the company and the equipment and the deal, and I think it was for eight cycles at that point, fell through. But I think it is time that we revisit the issue.

For visitors coming to the Nation's Capitol to see our Capitol Police on Kawasakis and Hondas is quite embarrassing, at least to this Member. I think that we do have American-made cycles that will fit the bill and the subcommittee; and the language that is being inserted in the bill will at least have the Chief of the Capitol Police look at it and possibly buy American and have our Capitol Police persons ride on a new, decent, operative motorcycle.

Mr. PASTOR. Mr. Chairman, reclaiming my time, let me engage in a colloquy with the chairman of the subcommittee.

Mr. Chairman, I say to the gentleman from North Carolina (Mr. TAYLOR), last year during the debate on the 2000 Legislative appropriation bill, the Capitol Police were directed to look into the possibility of using American-made motorcycles in their security mission.

Is it not true that they have recently advised us of the current status of this directive?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I say to the gentleman, yes, and I have a letter from Chief Varey of the Chief of the Capitol Police received today. I include a copy of the letter for the RECORD:

U.S. CAPITOL POLICE,
OFFICE OF THE CHIEF,
Washington, DC, June 21, 2000.

Hon. CHARLES H. TAYLOR,
Chairman, Subcommittee on Legislative Branch Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you may recall, the Conference Report for the Capitol Police Fiscal Year 2000 General Expenses appropriations contained the following language:

''With respect to vehicles, the conferees recognize the need of the Capitol Police to upgrade and possibly expand their existing fleet of motorcycles to help fulfill their security mission, and provide $103,000 for that purpose from existing funds.''

In response to this provision, the Department has surveyed the product lines of sixty motorcycle dealers and manufacturers who reportedly manufacture motorcycles in the United States which meet the specific needs of the Department's smaller sized motorcycles. As a result of this survey, only two United States manufacturers—Harley-Davidson and Buell—offer motorcycles which satisfy the Department's criteria in terms of engine size, body weight, and DOT street certification.

Following this survey, on May 12, the Capitol Police met with representatives from Harley-Davidson to discuss the Department's need to upgrade and expand its motorcycle fleet. As a result of this meeting, Harley-Davidson has agreed to provide the Department with two, smaller displacement models for testing and evaluation—the Harley-Davidson Sportster 883 and the Buell Blast 492. Arrangements are currently underway to deliver these motorcycles to the Department for its assessment.

Additionally, the Department has identified the need to upgrade its current fleet of the larger Harley-Davidson FLHTPI Electra Glide—a 1450 cc model utilized by the Department for special events, traffic enforcement and motorcades. It is the Department's intent to purchase six new Electra Glides while trading-in its three, older model Electra Glides to reduce the procurement costs of the new motorcycles and to avoid incurring unnecessary parts and maintenance expenses.

I look forward to discussing this matter with you or your staff, should you so desire, and I will be pleased to forward the results of the product test and evaluation exercise for your review and information.

Sincerely,

JAMES J. VAREY,
Chief of Police.

The Chief says that they have identified two United States manufacturers, Harley Davidson and Buell, who have motorcycles that satisfy the Department's criteria.

The Capitol Police have made arrangements to test these vehicles, and they will report the results to our committee for our review.

Mr. PASTOR. Mr. Chairman, reclaiming my time, I thank the chairman for his comments.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I first want to congratulate the chairman of the subcommittee and ranking member of the subcommittee for having produced a bill under difficult, severe limitations and to compliment them on the manager's amendment that will be offered to solve some of the problems that were created by the first bill.

I rise at this time since the distinguished ranking member has raised the issue of the Capitol Police. We should be very proud of all of our Capitol Police officers. They are very well-trained. They are certainly dedicated to their mission here in the Capitol.

But one of the concerns that I have and the Congress has had is the fact that we could bring our Capitol Police force into a more modern age. There is technology available that would make them far more effective than they are today. Congress has provided additional funding to do this. But the previous management of the Capitol Police force, for some reason, just decided not to go ahead and move into the state-of-the-art technology.

I think that is a mistake. Just adding more people does not necessarily get the job done if we do not provide the technology that they need to do their job.

To give my colleagues an example of what I am talking about, with this bill that we will pass today, there will be 1,241 members of the Capitol Police force. This is a substantial number, but they do have a substantial obligation and responsibility.

But compare that to some other cities in the United States. Nashville Davidson, with a population of 510,000 people, has only 38 more sworn police officers than our Capitol Police force. Portland, Oregon, with 503,000 people, only has 962 sworn police officers, compared to our 1,241. Ft. Worth, Texas, with a population of 491,000, has less sworn officers than the Capitol Police force. In my area in Florida, the City of Tampa, which is an extremely large city, has only 916 sworn police officers.

These cities tend to get the job done, but most of them have taken advantage of the new technology that we have been trying to get the management of our Capitol Police to employ. And they have not done that yet.

The amendment that the managers will offer today will help improve the funding available for our Capitol Police force, and I think that is good. I am a very strong advocate and supporter of that manager's amendment. But I must say that I think, once again, we should be reminding those who administer and

manage our Capitol Police force, not the police officers themselves but those in supervisory positions, ought to take advantage of the funding that we have made available for new technology that makes the job easier for those who wear the uniform and guard this Capitol of ours.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY) the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me congratulate the chairman of the subcommittee for working through this compromise. This bill is far preferable to the original bill that was brought to the House. It meets our duty to provide for adequate police protection on the Capitol Grounds.

There are still some problems with it because it does not allow the hiring of as many Capitol Police as the Department feels necessary. But it is certainly preferable to the original bill.

I would say that there are also some other problems which need to be corrected between now and final passage of this bill. The General Accounting Office will have to impose an immediate freeze and reduce their employment level by 160 people. That is not a good idea because they are supposed to be our watchdog on financial and management affairs, and we are crippling the very agency that is charged with the responsibility to help us save taxpayers' money.

The Congressional Research Service accession plan is not funded, and I think that is a serious mistake. There are a number of other shortcomings with the funding level in the Copyright Office and some other areas.

I would be willing to support this bill if it stays in the condition that it is right now, but I will not support it if damaging amendments are attached, such as the lockbox amendment, because people need to understand how it works.

It sounds enticing to say we are going to have a lockbox and every time you cut money on the floor on an amendment that is going to go in a lockbox and is not going to be used. But under our rules, if you are considering a HUD appropriation bill and you want to cut an item in HUD so that you can put the money into another item in a different appropriation bill, such as education or defense, right now we can do that under our rules. We can cut the money on the floor and then, in conference, that money can wind up somewhere else, either in the same bill or in a different appropriation bill, or it may not be spent at all.

But under the lockbox provision, you could not cut money in one bill and expect to try to use it in another. You would be precluded from doing that. That would make our problem in getting conference reports out in a timely fashion immeasurably more difficult and I think it would increase the likelihood that we never finish our budget work. It would increase the likelihood of more controversy and even, God forbid, Government shutdown.

So I would urge Members to recognize that sometimes what is underneath the surface is not as pretty as what it would appear to be on the surface.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, oftentimes people are relatively insensitive to the specifics of such a proposal as it might apply to legislative branch, which is this bill.

Should we pass this amendment that is being proposed today, what that does to us as we go to conference with the other body on just the legislative branch proposal puts the House at a considerable disadvantage. There are any number of issues that underlie that that we ought to be thinking about. And this is not a partisan consideration. It affects the House of Representatives. And that should be paramount in our minds.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his comments.

The other problem with it is that we are assigned a specific number under the budget act, and let us say one subcommittee is given a $3 billion allocation, and just because this House takes an action to temporarily cut that bill by $50 million does not mean that the Senate is going to follow suit.

If the Senate has another higher level for that same bill, then when we go into conference we will have lost $50 million that the House wants to apply to its priorities and that will make the gap between us and the Senate much larger. And I do not think we want to do that after the experiences we have had the last 2 years in trying to get appropriation bills passed in a speedy fashion.

So this amendment has nothing whatsoever to do with party. It has nothing whatsoever to do with ideology. It has everything to do with how much you understand the details of how the budgeting process works. Because if you understand that and if you have ever had to manage a bill on either the majority or the minority side of the aisle, you will understand this is not a workable process.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I want to identify myself with the comments that I have heard this morning from both sides of the aisle relative to this bill.

When we wrote this bill at the subcommittee, where I serve with the distinguished chairman and the ranking member and some very thoughtful Members, I spoke with great reservations about the allocations that we had with respect to this bill.

The balancing act that we have is that the American people expect us to do our job to the fullest extent. And without the resources of Congressional Research Service, without the Capitol Hill Police to adequately protect all of the grounds and the people and the millions of visitors that come through here every year, we cannot adequately do our job. And so, that is the balancing act. Yet, we must lead by example on tightening our belts as tight and as slim as we can without crossing the line of inefficiency.

Sometimes we cannot afford not to invest in these resources. And that is where we find ourselves. So this manager's amendment restores the necessary money for us to feel like we are doing our job effectively and efficiently, which is what the people demand.

□ 1130

I want to applaud our leadership for finding the extra money, working in a bipartisan way, staying cool, working together, because, as the gentleman from Wisconsin (Mr. OBEY) said, at this point my reservations have diminished and we can support this bill collectively in a bipartisan manner knowing that we are doing what is right, because these are critical needs. Our Capitol Hill Police deserve our appreciation. They deserve to be called by their first name. They deserve to be recognized on a daily basis for laying their life down. They stand between any threat to not only us but all the people in this great place. It is important that we appreciate them. It is important that we fund them adequately.

The folks at the Library of Congress deserve our support. Encourage them to be more efficient but support these critical missions of the legislative branch through this bill. I hope in a bipartisan way the whole House will now come together and rally around this bill and support it enthusiastically because I think it strikes a careful balance between efficiency and funding the essential services that the American people expect to see and to benefit from through the United States Congress.

Mr. PASTOR. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I congratulate him on the job that he has done.

During committee markup of this bill, the subcommittee chairman urged the members to support it despite in my opinion, which the gentleman from Tennessee (Mr. WAMP) has also reflected, its substantial flaws, saying at

that point in time we were in the second round of a 10-round fight. In my opinion, the committee got knocked out in the third round. Having struggled to its feet, the committee now offers a somewhat better bill if the manager's amendment is adopted. But, in my opinion, this bill is still not a winner. We should knock it out again and demand even better for the people we serve.

As members recall, the committee bill was so underfunded that it drew widespread, justified criticism. It would have cut over 1,700 employees from an already pared down legislative branch. It would have denied COLAs to the employees who remained. It would have dramatically impaired our ability to function, and not because the legislative branch is overfunded. It is not overfunded. This subcommittee has in the past under Democrats and Republicans been quite frugal. The committee's report admits that the cuts were, and I quote, ''not necessarily reductions the committee would have made if not constrained by the budget resolution.'' This is the immaculate-conception argument that has been used repeatedly with respect to our appropriation bills. Translation: these cuts were required to finance the GOP's election-year tax cuts.

The most egregious cut in the committee bill, of course, has been discussed. It would have cut 438 Capitol Police officers from the rolls, 338 by a reduction in force. Let me say something with respect to the gentleman from Florida's (Mr. YOUNG) observations. I do not have figures yet as to uniformed personnel, but our Committee on House Administration of which I have the privilege of being the ranking member, has authorized 1,511 personnel for the Capitol Police. Why? Because unlike the cities that the gentleman from Florida mentioned, we have millions, yes, millions of visitors to this Capitol complex every year, our constituents from all over the country.

The bill as it was originally presented by the committee would pare security back below where it was 23 months ago, before our review generated by the deaths of Officer Chestnut and Detective Gibson. The committee refused the Police Board's request for 100 new officers that the two postshooting reviews urged are needed to make the Capitol safe for visitors, staff and Members. Today's somewhat better bill, if the manager's amendment is adopted, funds 1,354 officers on the rolls, about 160 less than are authorized; it fills at least some of the 100 or more vacancies expected next year; and funds a class of recruits that just started training. But in my view, Mr. Chairman, it fails to provide adequate security for thousands who work in or visit the complex, including the police, themselves, on a daily basis.

Police funding is not the only problem with this bill. The committee bill would have slashed spending for the General Accounting Office, which helps us find waste, fraud and abuse in Federal spending, so deeply as to cut 707 staff. The manager's amendment somewhat solves that problem, and I congratulate the ranking member and the chairman for supporting it. But the somewhat better bill still cuts GAO by $8.7 million below this year and 230 FTEs. So it is not like we are making anybody whole here. In 1999, GAO recommendations yielded savings of $57 for every $1 we spent on the GAO. That is a good return, 57 to 1. I believe our taxpayers would think if we saved $57 by spending $1, we are ahead of the game.

The committee bill also took, in my opinion, a meat-axe to the Government Printing Office, lopping over 25 percent of its funding and 400 staff. The Senate bill increases GPO spending, only by four-tenths of a point, but increased it. The committee bill would have effectively ended the depository library program used by thousands and thousands of Americans weekly in most of our districts, eliminated entire classes of congressional printing and even printing for next January's inauguration which we know is coming.

The improved bill still cuts GPO by 7.4 percent and 176 FTEs, including RIFs for 13 people who compile the CONGRESSIONAL RECORD Index. It restores most cuts to the depository program, I am referring to the manager's amendment, but still cuts printed publications, the kind most library customers actually want to read, going into libraries by 15,000. It restores the inaugural printing, but leaves Members without publications like ''Our Flag.'' It may sound silly, but every school child in America loves that publication and learns more about the flag. It cuts ''How Our Laws Are Made'' and delays reprinting of the only official version of the U.S. Code.

The committee bill would have cut 156 staff from the Architect's office, many of them custodians and laborers who perform the basic maintenance of the Capitol. The somewhat better bill does fund the Architect staff but rejects his request for 13 FTEs to work on life safety matters, including fire safety which should be a priority for this institution.

Overall, the bill still cuts 368 FTEs legislative-branch wide, after we have under the leadership of the gentleman from North Carolina and his predecessors made substantial cuts every year over the last 5 years and indeed, as Mr. Lombard knows, even before that under Democratic control.

Mr. Chairman, I regrettably cannot support this bill even with the manager's amendment. It shortchanges Capitol security and life safety programs, depository-library patrons, oversight of Federal spending and other functions to pay for election-year tax cuts. For most accounts, the Senate figures are where we should be after conference.

Mr. PASTOR. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Subcommittee on Defense.

Mr. MURTHA. Mr. Chairman, if I read the lock box amendment right, I have a great concern about what they are trying to do. Much of the legislation we have passed initially is for negotiation purposes. We normally take projects out. We have taken as many as four destroyers out and over $1 billion normally in the subcommittee. But there are times when amendments have been offered on the floor and we have lost as much as $1 billion on the floor, but we go to the Senate and then we renegotiate the amount of money we have. As I understand the amendment, we would lose that money and we would lose the flexibility to negotiate with the Senate, or the other body; and they would have the same problem over there.

So this really, I think, could be detrimental to good government rather than help government. It certainly would not help us because in the end we would be determining on the floor, we would be reducing the amount of money when really all people want to reduce is one particular system which later on may want to be increased again. This really worries me.

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

Mr. MURTHA. I yield to the gentleman from Maryland.

Mr. HOYER. I did not have the opportunity because of time constraints to mention this amendment, but I agree wholeheartedly with the gentleman from Pennsylvania, one of the senior members of the Committee on Appropriations, and with the gentleman from Wisconsin (Mr. OBEY), who have correctly pointed out the deficiencies of this lock-box amendment. I hope the chairman of our committee also believes that this would be harmful to our decision-making process and our flexibility, and would undermine our ability to make judgments on priorities as we proceed through the process, which is of course the point the gentleman from Pennsylvania made.

This amendment, of course, did not come out of the subcommittee, did not come out of the full committee, but was made in order by the Committee on Rules. The gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense, correctly observed the harmful effects that this would have on the entire House in a bipartisan way. I join with the gentleman from Pennsylvania in urging our colleagues to reject this amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. In response to the comments of the gentleman from Maryland (Mr. HOYER), I would refer all of the Members of the House to the adverse report that the Committee on Appropriations did report on H.R. 853, which would have created this lock box. It is a very good description of why it is not workable.

Mr. MURTHA. I appreciate both gentlemen's comments. I would hope the House would be very careful in not adopting something that could be very detrimental to our flexibility in the long run, hurt our national security and I am sure have the same impact on any other bill that we take before the Congress.

Mr. PASTOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak this morning.

Mr. Chairman, I think the task that the subcommittee has labored over is often mischaracterized, it is misconstrued and it is thankless, I think, for the public and for oftentimes Members of this assembly. But it is key what they do to enable us to do our job as Members, to represent our constituents; and there are critical elements in this budget that enable us to protect and serve the public, their physical safety when they are here in Washington, D.C., and to provide information.

One particular item of focus for me deals with the adequate funding for the Congressional Research Service. I would like to thank the subcommittee for restoring the additional $7.5 million. Before funding was increased, CRS was slated to have had to fire over 110 individuals, drastically reducing their ability to provide valuable research and assistance. And although I am pleased that the funding was increased, I am disappointed to see that the funding has not yet met the requested level and that without this additional money, it is going to be difficult or impossible for CRS to continue to provide for its carefully crafted multiyear CRS succession initiative.

I think it was very thoughtful on the part of the Congressional Research Service to try and deal with a potential catastrophe with 50 percent of their staff nearing eligibility for retirement or already eligible. The notion of being able to do some thoughtful overhire, bringing in some junior members to get the expertise, to be able to meet the needs of Congress in providing nonpartisan, thoughtful, analytic benefit to help us do our job is smart.

I appreciate the fact that last year they were forced into sort of a Hobson's choice. There was a difficult additional cut that was laid upon them, and in their wisdom they elected to suspend this process. I do not think they should have been put in that box, I think that that was a false economy; but I think that that does not release us from the obligation as a Chamber to be able to provide those resources for them.

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Mr. Chairman, I think it is important for us to be able to continue to provide adequate research ability for the entire Congress to have this multidisciplinary expertise across all policy issues; that is an unusually broad range of expertise within this single institution, and it is given in a highly personal way. I think we have all been well served by the dedicated men and women who provide it.

I do hope that this budget continues to be a work in progress, and I hope that we will make progress in terms of adequately providing for this succession for CRS.

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

Mr. Chairman, I would ask my colleagues to support the manager's amendment, if that is adopted, and the Ryan amendment defeated, that we support this bill.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as indicated before, we have nine steps in appropriating money, and three of them in the House, three in the Senate, then we go to conference, then we come back to the House and the Senate, and the President then signs the bill.

It is a long process, and we try to improve the legislation as we move along. We think that the manager's amendment will be positive in this area.

Ms. SANCHEZ. Mr. Chairman, I rise today on the subject of funding for the Capitol Police.

This Congress should take every opportunity possible to salute the police officers of this nation, as I do for those who serve my Congressional District in Orange County.

Our nation loses an officer almost every other day; we've lost three Capitol officers in the line of duty. And that doesn't include the ones who may be assaulted or injured.

The calling to serve in law enforcement comes with bravery and sacrifice.

The thin blue line protecting our homes, our families, and our communities—and the foremost symbol of American freedom and democracy—pays a price, and so do the loved ones they leave behind when tragedy strikes.

They shouldn't have to do this dangerous job with inadequate resources.

We have a responsibility to see that law enforcement—particularly those who guard the Capitol—have the resources they need.

I want to recognize my colleagues for their support of necessary funding for the U.S. Capitol Police force.

Mr. CONYERS. Mr. Chairman, this bill's treatment of the Copyright Office is just another example of voodoo economics. Time and time again, the majority signals that it just does not care about the creative community. The majority continually tries to shut down the National Endowment for the Arts in its quest to eradicate free expression, and now this. The majority is taking five million dollars from the Copyright Office—and for no good reason other than perhaps to eliminate the copyright protection for that free expression.

In the Information Age, copyrights have become the most important protections that creators can have for their work. In fact, piracy on the Internet is the number one fear that artists have, and the Copyright Office is the best shield against those pirates.

Unfortunately, while recent congressional mandates—such as the Digital Millennium Copyright Act and the Satellite Home Viewer Improvement Act—have imposed dramatic new responsibilities on the Copyright Office in the form of new studies and reports, the majority failed to provide additional funds so it could carry out those duties without somehow interfering with its responsibilities to copyright holders. Clearly, this is an impossible task for any agency. This bill just adds fuel to the fire.

By cutting its funding, the Majority expects the Copyright Office to make up the difference by keeping more of the royalties it collects. That's just passing the buck. Those royalties are for the people who create the music, movies, books, and art that drive our culture—not for government salaries. And this is in the midst of a $200 billion budget surplus.

I urge my colleagues to vote against this bill.

Mr. BERMAN. Mr. Chairman, I rise today to express my concerns about the serious, negative consequences that H.R. 4616 will have on the operations of the U.S. Copyright Office. While it appears we will not have the opportunity to resolve these concerns before the House votes on H.R. 4616, I ask the bill's sponsors to address these concerns during conference.

H.R. 4616 cuts the Copyright Office's total net appropriations by 38 percent, or over $5 million. As I stated, the consequences of these budgetary cuts are serious: the Copyright Office may be forced to fire as many as 130 people, and certainly will not be able to perform a variety of critical functions.

Though not a high-profile agency, the Copyright Office provides a variety of very important, useful services to this Congress and the American people. The Copyright Office provides legal and policy advice to the Congress on copyright issues, advice on which the Congress relies on an almost daily basis. The Copyright Office advises foreign governments on the development of copyright laws, and plays an integral role in inter-agency deliberations over intellectual property trade matters. It undertakes studies and rule-makings at the direction of Congress, and is currently engaged in a variety of important studies mandated by the Digital Millennium Copyright Act. In fiscal year 1999 alone, the Copyright Office registered over one-half million copyrighted works. It administers the collection and distribution of royalties under compulsory licenses, and in doing so processes filings from

tens of thousands of cable operators, satellite carriers, and equipment manufacturers. It conducts Copyright Arbitration Royalty Panels, or CARPs, to settle disputes over copyright royalties. Perhaps most importantly, the Copyright Office plays a key role in ensuring that our Library of Congress contains the most comprehensive collection of creative works in the world.

As I indicated, the $5 million cut in its $12 million net appropriation will cause a reduction in force of 130 Copyright Office employees. To put it another way, this reduction works out to cutting 27 percent of the entire Copyright Office staff. Such a drastic cut in personnel will render the Copyright Office unable to perform many of the critical functions I have discussed. I don't even know how they will begin to decide which congressional mandates to ignore, or whose requests for policy support it will not honor.

It seems to me "penny-wise but pound foolish" to save $5 million by drastically reducing the services rendered by the Copyright Office. In fact, pound for pound, the Copyright Office is easily one of the most efficient and effective agencies in the entire federal government. Simply put, it does a terrific and important job with already limited resources, and there is not a pound of fat to cut.

I recognize that the intent of these cuts was not to gut the operations of the Copyright Office. In fact, H.R. 4616 attempts to enable the Copyright Office to cope with this serious budgetary shortfall in the out years by suggesting that it raise fees to cover the shortfall. Unfortunately, the Copyright Office cannot, either as a legal or practical matter, raise its fees to cover the shortfall.

Effective July 1, 1999, the Copyright Office implemented a 3-year schedule of fees that raised fees for a variety of services from 50 percent to 220 percent. As a practical matter, the Copyright Office cannot turn around and raise its fees yet again: a comprehensive economic analysis undertaken pursuant to the recent fee increases indicated that higher fee increases would not be paid by the public, and thus would result in a decrease in fee revenue. I must remind my colleagues that, due to treaty obligations, we have a voluntary system of registering and recording copyrights.

Thus, fees can only be increased so high before copyright holders simply stop registering and paying. The economic analysis undertaken by the Copyright Office indicates that the recently implemented fee increases reach that maximum level of acceptance.

As a legal matter, the Copyright Office cannot simply raise its fees yet again. The Copyright Act mandates a procedure that the Copyright Office must follow in setting new fees, and this process takes approximately two years to implement. Thus, while H.R. 4516 assumes that the Copyright Office will make up for a fiscal year 2001 budget shortfall by raising fees, the Copyright Office would not legally be able to raise fees until fiscal year 2002.

In closing, I urge that the $5 million cut in the Copyright Office budget be restored, if not now then during conference consideration of H.R. 4516. It seems a small expense to provide such important services.

Mr. BILBRAY. Mr. Chairman, first let me thank the gentleman from North Carolina, Mr. TAYLOR, for his hard work in preparing this bill and bringing it to the floor today. I certainly appreciate all the effort that has gone into making this look easy.

I wanted to talk briefly about one very important element of this bill, and that is the power plant which makes the Capitol run, and which will ultimately power and cool our new visitors center. What is also of interest to me is the fact this is the last power plant in Washington, D.C. which is fueled partially by burning coal. There used to be others—the GSA had two coal-burning plants, and Pepco also used to burn coal to generate energy. As a result of a need to meet Clean Air requirements in the District (which is in non-attainment for ozone), particularly on emissions of NO_X, which is an ozone precursor, those plants now rely on natural gas or distillate oil to generate energy.

In addition to knocking down NO_X emissions, natural gas also has benefit of reducing emissions of sulfur dioxides and PM, both of which are generated from burning coal or fuel oil.

For these reasons, I was pleased to learn that of the seven boilers that fire the Capital plant, five of them have already been converted to run on natural gas and/or fuel oil. It is my understanding that this conversion has already resulted in greatly reduced emissions, to the benefit of all those who live and work in this area.

In addition to the obvious public health benefit, I think it is important that we here in Congress lead by example, as we have in the conversion of these boilers. As we debate proposals and pass laws which lead to stringent air quality controls on the private sector, it is critical that we demonstrate that we are serious about this, and are willing to take the same kind of steps here in our own backyard.

For these reasons, I was pleased to read in the Capitol Hill Master Plan that as part of the expansion of the West Refrigeration Plant, "the historical reduction in reliance on coal will be continued, resulting in the complete phase-out of use by the year 2003. The boiler system will be converted to run on natural gas and fuel oil."

This is a continuation of the positive steps which have been taken to both modernize our power facilities, and reduce harmful emissions in the process. Now, I am aware that there has been an interest expressed by several Members and Senators in retaining a coal element of this plant, and that various options which entail "cleaner-burning coal are now under evaluation. I would anticipate that once the review of these options are completed, the original phase-out proposal will be recognized as the most practical, both from cost and air quality standpoint.

I had originally considered offering an amendment to ensure that the phase out and conversion timetable over to the cleaner fuels remained on track. While I will not be doing so today, I will remain interested in monitoring the developments surrounding the expansion of the Capital plant, and the ongoing conversion to natural gas and cleaner fuels. We have an obligation to lead by example, on air quality as on so many other issues, and so I look forward to working with the Chairman and my colleagues in the future to see to it that this comes to pass. I submit a copy of my amendment to be placed in the RECORD.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . No funds appropriated in this Act may be used to develop or implement any plan for fuel use at the Capitol Plant other than the fuel use plan set forth in the Capitol Plant Master Plan prepared by the Architect of the Capitol, dated May 11, 2000.

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 is considered read for amendment under the 5-minute rule.

The text of H.R. 4516 is as follows:

H.R. 4516

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 Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $749,210,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $13,998,000, including: Office of the Speaker, $1,711,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,677,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,039,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,427,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,065,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $399,000; Republican Steering Committee, $744,000; Republican Conference, $1,220,000; Democratic Steering and Policy Committee, $1,315,000; Democratic Caucus, $649,000; nine minority employees, $1,196,000; training and program development—majority $278,000; and training and program development—minority, $278,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $400,527,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $89,896,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $20,231,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative

Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $86,369,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,286,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,596,000; for salaries and expenses of the Office of the Chief Administrative Officer, $54,997,000, of which $1,054,000 shall remain available until expended, including $24,912,000 for salaries, expenses and temporary personal services of House Information Resources, of which $24,327,000 is provided herein: *Provided,* That of the amount provided for House Information Resources, $5,760,000 shall be for net expenses of telecommunications: *Provided further,* That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,197,000; for salaries and expenses of the Office of General Counsel, $806,000; for the Office of the Chaplain, $140,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,172,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $832,000; and for other authorized employees, $213,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $138,189,000, including: supplies, materials, administrative costs and Federal tort claims, $1,960,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $135,426,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $393,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. During fiscal year 2001 and any succeeding fiscal year, the Chief Administrative Officer of the House of Representatives may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531); and

(2) enter into multi-year contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to employees appointed on or after October 1, 2000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,072,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,174,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $70,120,000, of which $33,586,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,534,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,549,000, to be disbursed by the Capitol Police Board or their delegee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 103. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 104. (a) APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE.—The Chief Administrative Officer of the U.S. Capitol Police, or when there is not a Chief Administrative Officer the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) RESPONSIBILITY AND ACCOUNTABILITY OF CERTIFYING OFFICERS.—

(1) IN GENERAL.—Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a

legal obligation under the appropriation or fund involved.

(2) RELIEF BY COMPTROLLER GENERAL.—The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) ENFORCEMENT OF LIABILITY.—The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 105. CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(A) after consulting with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police;

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems;

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions with respect to the Office of Administration:

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) will cease to be an employee of the General Accounting Office and will become an employee of the Capitol Police, and the Capitol Police Board shall assume all responsibilities of the Comptroller General under this section.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,201,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than 43 individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations Acts as required by law, $29,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $1,816,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $25,100,000: *Provided,* That no part

of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $41,953,000, of which $4,280,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $4,557,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $29,685,000, of which $123,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $38,555,000, of which $200,000 shall remain available until expended: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $66,200,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding of Government publications authorized by law to be distributed to Members of Congress, $65,457,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Senators, Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

ADMINISTRATIVE PROVISION

SEC. 106. (a) CONGRESSIONAL PRINTING AND BINDING THROUGH CLERK OF HOUSE AND SECRETARY OF SENATE.—

(1) IN GENERAL.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives and the Secretary of the Senate such sums as may be necessary for congressional printing and binding services.

(2) PREPARATION OF ESTIMATES.—Estimated expenditures and proposed appropriations for congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives and the Secretary of the Senate in accordance with title 31, United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests shall be based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) STUDY.—

(1) IN GENERAL.—During fiscal year 2001, the Clerk of the House of Representatives and the Secretary of the Senate shall conduct a comprehensive study of the needs of the House and Senate for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (including transitional issues during fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for providing printed or other media-based publications for House and Senate uses.

(2) SUBMISSION TO COMMITTEES.—The Clerk and the Secretary shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, who shall review the study and prepare such regulations or other materials (including proposals for legislation) as each considers appropriate to enable the Clerk and the Secretary to carry out congressional printing and binding services in accordance with this section.

(c) DEFINITION.—In this section, the term ''congressional printing and binding services'' means the following services:

(1) Authorized printing and binding for the Congress and the distribution of congressional information in any format.

(2) Printing and binding for the Architect of the Capitol.

(3) Preparing the semimonthly and session index to the Congressional Record.

(4) Printing and binding of Government publications authorized by law to be distributed to Members of Congress.

(5) Printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient.

This title may be cited as the ''Congressional Operations Appropriations Act, 2001''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,216,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $269,864,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation

or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,459,575 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $2,506,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, $5,957,800 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library: *Provided further*, That of the total amount appropriated, $404,000 is to remain available until expended for a collaborative digitization and telecommunications project with the United States Military Academy and any remaining balance is available for other Library purposes.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $38,771,000, of which not more than $26,000,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $31,783,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,507,000, of which $14,135,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $5,394,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $199,630, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of an Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes, approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

''(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.''.

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act for Fiscal Year 1996 for the Library of Congress under the heading, ''Salaries and Expenses'' (Public Law 104–53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the non-competitive conversion of the incumbents in the ''indefinite-not-to-exceed'' positions to ''permanent'' positions.

SEC. 209. During fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer among available accounts amounts appropriated to the Library and amounts appropriated to the Architect of the Capitol for the mechanical and structural maintenance, care and operation of Library buildings and grounds, with the approval of the Committees on Appropriations of the Senate and the House of Representatives. Amounts so transferred shall be merged with and be available for the same purpose for the same period as the appropriation or account to which transferred. This transfer authority is in addition to any other transfer authority provided by law. The Librarian shall consult with the Architect of the Capitol before proposing transfers involving amounts appropriated to the Architect.

SEC. 210. The Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 2001, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $15,133,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their on-line access to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $11,606,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are available for the cost of publications distributed in prior years: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal

year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $10,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $351,529,000: *Provided,* That not more than $1,900,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2001: *Provided further,* That not more than $1,100,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2001: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) 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, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. (a) REDUCTION IN NUMBER OF AUTHORIZED POSITIONS FOR CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE.—The number of full-time equivalent officers and members of the United States Capitol Police and the number of full-time equivalent officers and members of the Library of Congress Police authorized for fiscal year 2001 shall be reduced by the number of officers and members who retire, resign, or are otherwise separated from employment with the United States Capitol Police or the Library of Congress Police (as the case may be) during the fiscal year.

(b) WAIVER.—The Committees on Appropriations of the House of Representatives and Senate may waive or modify the application of subsection (a).

SEC. 309. No part of any appropriation contained in this Act under the heading ''Architect of the Capitol'' or ''Botanic Garden'' shall be obligated or expended for a construction contract in excess of $100,000, unless such contract includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.

SEC. 310. Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, during fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to—

(1) the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States; and

(2) the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2001''.

The CHAIRMAN. No amendment is in order except those printed in House report 106–685. Each amendment may be offered only in the order printed, may be offered only by a Member designated by the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or to a demand for a division of the question.

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

It is now in order to consider Amendment No. 1 printed in the House report 106–685.

AMENDMENT NO. 1 OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAYLOR of North Carolina:

Page 2, line 5, strike ''$749,210,000'' and insert ''$769,551,000''.

Page 2, line 8, strike ''$13,998,000'' and insert ''$14,378,000''.

Page 2, line 9, strike ''$1,711,000'' and insert ''$1,759,000''.

Page 2, line 10, strike ''$1,677,000'' and insert ''$1,726,000''.

Page 2, line 12, strike ''$2,039,000'' and insert ''$2,096,000''.

Page 2, line 15, strike ''$1,427,000'' and insert ''$1,466,000''.

Page 2, line 18, strike ''$1,065,000'' and insert ''$1,096,000''.

Page 2, line 20, strike ''$399,000'' and insert ''$410,000''.

Page 2, line 21, strike ''$744,000'' and insert ''$765,000''.

Page 2, line 21, strike ''$1,220,000'' and insert ''$1,255,000''.

Page 2, line 22, strike ''$1,315,000'' and insert ''$1,352,000''.

Page 2, line 23, strike ''$649,000'' and insert ''$668,000''.

Page 2, line 24, strike ''$1,196,000'' and insert ''$1,229,000''.

Page 3, line 8, strike ''$400,527,000'' and insert ''$410,182,000''.

Page 3, line 13, strike ''$89,896,000'' and insert ''$92,196,000''.

Page 3, line 18, strike ''$20,231,000'' and insert ''$20,628,000''.

Page 4, line 3, strike ''$86,369,000'' and insert ''$90,403,000''.

Page 4, line 7, strike ''$14,286,000'' and insert ''$14,590,000''.

Page 4, line 11, strike ''$3,596,000'' and insert ''$3,692,000''.

Page 4, line 12, strike ''$54,997,000'' and insert ''$58,550,000''.

Page 4, line 14, strike ''$24,912,000'' and insert ''$26,605,000''.

Page 4, line 16, strike ''$24,327,000'' and insert ''$26,020,000''.

Page 4, line 18, strike ''$5,760,000'' and insert ''$6,497,000''.

Page 4, line 25, strike ''$3,197,000'' and insert ''$3,249,000''.

Page 5, line 5, strike ''$1,172,000'' and insert ''$1,201,000''.

Page 5, line 13, strike ''$138,189,000'' and insert ''$141,764,000''.

Page 5, line 15, strike ''$1,960,000'' and insert ''$2,235,000''.

Page 5, line 19, strike ''$135,426,000'' and insert ''$138,726,000''.

Page 8, line 22, strike ''$70,120,000'' and insert ''$92,769,000''.

Page 8, line 22, strike ''$33,586,000'' and insert ''$45,683,000''.

Page 8, line 25, strike ''$36,534,000'' and insert ''$47,086,000''.

Page 21, line 8, strike ''$25,100,000'' and insert ''$27,403,000''.

Page 22, line 6, strike ''$41,953,000'' and insert ''$44,234,000''.

Page 22, line 11, strike ''$4,557,000'' and insert ''$5,217,000''.

Page 22, line 15, strike ''$29,685,000'' and insert ''$32,750,000''.

Page 23, line 9, strike ''$38,555,000'' and insert ''$39,151,000''.

Page 23, line 21, strike ''$66,200,000'' and insert ''$73,810,000''.

Page 24, line 11, strike ''$65,457,000'' and insert ''$69,626,000''.

Page 36, line 14, strike ''$15,133,000'' and insert ''$15,837,000''.

Page 36, line 25, strike ''$11,606,000'' and insert ''$25,652,000''.

Page 39, line 21, strike ''$351,529,000'' and insert ''$368,896,000''.

Strike section 308 (and redesignate the succeeding provisions accordingly).

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from North Carolina (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds $95.8 million to the bill. It is a bipartisan amendment, and is offered on behalf of myself and the ranking minority Member of the Subcommittee on Legislative, the gentleman from Arizona (Mr. PASTOR).

It will provide sufficient funds for all staff COLAs and merit increases throughout the legislative branch. That includes Member office staff, committee and our administrative staff, and our support agencies like CRS, GAO, the Architect's work force and others.

It will add $20.3 million for the operations of the House, including an amount sufficient for Members' representational allowances. The amendment adds $22.6 million above the reported bill for police salaries. This will fund an additional 48 policemen to the number currently on board.

There are also 93 officers in training that will soon be deployed. This means we will end up with around 1,241 sworn officers, that is almost 200 above the number we had on the tragic day in 1998 when the shootings took place.

We want to monitor the number of police personnel closely. They do an outstanding job, but we also want to see improvements in technology and technical security measures. They have been funded, and there needs to be an interest to put these items in place, and we urge that to take place.

The gentleman from Arizona (Mr. PASTOR) and I have asked the police board to substitute more modern technology for our security operations. We would like to see a review of the weekend and late-at-night open building policies that requires all of the posts to be staffed regardless of need or traffic.

We do have several million visitors here, but unlike cities that have populations in the millions, those visitors are not here at night. They are not here on all the weekends and certainly on holidays.

Since we believe these advances will reduce the manpower needs, the committee agreement has fenced some $2.5 million of the salary appropriations. These are the projected costs of filling vacancies that occur next year. These funds can only be spent with the approval of the House and Senate Committees on Appropriations.

Mr. Chairman, let me make a few brief remarks about the balance of the amendment. We have added $7.3 million to the Architect of the Capitol so that there will be no need for any layoffs. Building cleanliness and maintenance will be maintained and extra daytime cleaning of all our restrooms has been funded.

We have added sufficient funds, $7.6 million, that CRS will maintain their current work force. If there is a need for more funds by CRS or the Copyright Office to avoid staff attrition losses, we will direct the Library of Congress to use the transfer authority provided in the bill to help CRS or copyright. We have added $18.2 million back to the Government Printing Office. All COLAs are funded.

Also, the amendment restores all funding for the depository libraries to receive the 25,000 Federal publications that are only available in paper and other tangible formats.

Finally, we have added $17.4 million to the General Accounting Office. No reductions in force will be necessary at GAO. Mr. Chairman, that is the substance of the manager's amendment; all $95.8 million of it.

The bill will still be $9.8 million below the fiscal year 2000 level, including pending supplementals. I ask for the adoption of the amendment.

I have a more detailed statement on this matter that I will place in the RECORD.

MANAGER'S AMENDMENT

Mr. Chairman, this amendment adds $95.8 million to the bill.

It is a bipartisan amendment and is offered on behalf of myself and the ranking minority member of the legislative subcommittee, ED PASTOR.

During general debate, I stated several reasons for offering the amendment.

If the amendment is adopted, the bill will not require any reductions-in-force in any legislative agency.

It will provide sufficient funds for all staff COLA's and merit increases throughout the legislative branch. That includes Member office staff, committee and our administrative staff, and our support agencies like CRS, GAO, the Architect's workforce, and the others.

It will add $20.3 million for the operations of the House, including an amount sufficient for Members' representational allowances. It will fund new Members' orientation costs, all transition costs to the 107th Congress and a small, but sufficient amount of funds to deal with the recent threats posed by Internet viruses.

The amendment adds $22.6 million above the reported bill for police salaries. That's an increase of $14.4 million (18%) above the FY2000 appropriation. This will fund an additional 48 policemen to the number currently on board.

In addition to these 48 police officers we are funding with this amendment, there are 93 officers in training that will soon be deployed. So there will be 141 additional security personnel shortly. That means we will end up with about 1,241 sworn officers. That's 189 above the number we had on that tragic day in 1998 when the shootings took place.

We want to monitor the number of police personnel closely. We also want to see improvements in technical security measures. They have been funded and there needs to be an impetus to get these items installed. Mr. Pastor and I have asked the police board to substitute more modern technology to our security operations. The technology has been funded and should reduce our reliance on additional police personnel. As this technology gets installed (cameras, detection devices, etc.), we will look at the size of the force to see if reductions can be made.

We would like to see a review of the weekend and late-at-night open building policies that require all of our posts to be staffed regardless of need or the traffic.

We have been working with the chief and others to reassess the post assignment strategy they use. We will make sure there are a sufficient number of officers at each door. But we do not want so many that they become distracted.

Since we believe these advances will reduce manpower needs, the committee agreement has fenced $2.446 million of the salary appropriation. These are the projected costs of filling vacancies that occur next year. Those funds can only be spent with the approval of the appropriations committees.

In addition, the new chief, Jim Varey, and I have agreed that we want the force to be well trained. We will work with them to make improvements in that area.

We want our officers to be well paid so that they are not going to be trained and then recruited away by the Metropolitan Police Force or other law enforcement agencies.

So we will be working closely with police management to make sure they have the resources they need, the respect they deserve, and the recognition that they cannot be expected to do the impossible.

Mr. Chairman, let me make a few brief remarks about the balance of the amendment.

We have added $7.3 million to the Architect of the Capitol so that there will be no need for any layoffs. Building cleanliness and maintenance will be maintained and extra daytime cleaning of all our restrooms has been funded.

We have added sufficient funds ($7.6 million) so that CRS will maintain their current workforce. There will be no diminution of their services to the Members.

If there is a need for more funds by CRS or the Copyright Office to avoid staff attrition losses, we will direct the Library of Congress to use the transfer authority provided in the bill to help CRS or copyright. That is the virtue of having some flexibility in the appropriation available to our agencies.

We have added $18.2 million back to the Government Printing Office. All COLA's are funded. Some of those funds will restore several documents to the printing appropriation such as the Congressional Directory, printing for the 2001 inauguration, and several other documents.

Also, the amendment restores all funding for the Depository Libraries to receive the 25,000 Federal publications that are only available in paper and other tangible formats. None of the highly skilled document specialists will lose their jobs.

Finally, we have added $17.4 million to the General Accounting Office. No reductions in force will be necessary at GAO. We all value and respect the job that great agency does. It was never our intent to damage GAO capabilities, and I said so on several occasions. But our earlier allocation gave us no choice.

Mr. Chairman, that is the substance of the managers' amendment—all $95.8 million of it.

The bill will still be $9.8 million below the FY2000 level, including pending supplementals.

For those who do not believe supplementals should be counted, the bill is only above this year's level—by $2.8 million.

I ask for the adoption of the amendment.

I will insert a table which reflects the amounts in the bill included in the managers' amendment.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,723	1,798	1,759	+36	-39
Office of the Majority Floor Leader	1,688	1,761	1,726	+38	-35
Office of the Minority Floor Leader	2,050	2,140	2,096	+46	-44
Office of the Majority Whip	1,404	1,500	1,466	+62	-34
Office of the Minority Whip	1,042	1,121	1,096	+54	-25
Speaker's Office for Legislative Floor Activities	406	417	410	+4	-7
Republican Steering Committee	755	779	765	+10	-14
Republican Conference	1,225	1,289	1,255	+30	-34
Democratic Steering and Policy Committee	1,324	1,381	1,352	+28	-29
Democratic Caucus	657	687	668	+11	-19
Nine minority employees	1,218	1,251	1,229	+11	-22
Training and Development Program:					
Majority	284	290	278	-6	-12
Minority	284	290	278	-6	-12
Subtotal, House Leadership Offices	14,060	14,704	14,378	+318	-326
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	406,279	422,894	410,182	+3,903	-12,712
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	93,878	99,242	92,196	-1,682	-7,046
Committee on Appropriations (including studies and investigations)	21,095	22,530	20,628	-467	-1,902
Subtotal, Committee employees	114,973	121,772	112,824	-2,149	-8,948
Salaries, Officers and Employees					
Office of the Clerk	14,881	15,862	14,590	-291	-1,272
Office of the Sergeant at Arms	3,746	3,856	3,692	-54	-166
Office of the Chief Administrative Officer	57,289	64,180	58,550	+1,261	-5,630
Office of Inspector General	3,926	4,040	3,249	-677	-791
Office of General Counsel	840	877	806	-34	-71
Office of the Chaplain	136	139	140	+4	+1
Office of the Parliamentarian	1,172	1,256	1,201	+29	-55
Office of the Parliamentarian	(1,011)	(1,086)	(1,035)	(+24)	(-51)
Compilation of precedents of the House of Representatives	(161)	(170)	(166)	(+5)	(-4)
Office of the Law Revision Counsel of the House	2,046	2,130	2,045	.....	-85
Office of the Legislative Counsel of the House	5,085	5,140	5,085	.....	-55
Office of Objections Calendar Office	825	851	832	+7	-19
Other authorized employees	206	213	213	+8	.....
Technical Assistants, Office of the Attending Physician	(205)	(213)	(213)	(+8)	.....
Subtotal, Salaries, Officers and Employees	90,150	98,546	90,403	+253	-8,143
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,741	3,381	2,235	-506	-1,146
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	.....	.....
Government contributions	128,704	138,355	138,726	+10,022	+371
Miscellaneous items	676	676	393	-283	-283
Subtotal, Allowances and expenses	132,531	142,822	141,764	+9,233	-1,058
Total, salaries and expenses	757,993	800,738	769,551	+11,558	-31,187
Total, House of Representatives	757,993	800,738	769,551	+11,558	-31,187
JOINT ITEMS					
Joint Economic Committee	3,200	3,315	3,072	-128	-243
Joint Committee on Taxation	6,431	6,747	6,174	-257	-573
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,891	1,835	1,835	-56	.....
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	37,562	49,366	45,663	+8,101	-3,683
Sergeant at Arms and Doorkeeper of the Senate	40,776	51,532	47,086	+6,310	-4,446
Pending amended request, overtime expenses	.....	7,922	.....	.....	-7,922
Subtotal, salaries	78,358	108,820	92,769	+14,411	-16,051
General expenses	6,549	9,960	6,549	.....	-3,411
Subtotal, Capitol Police	84,907	118,780	99,318	+14,411	-19,462
Pending supplemental, Security enhancement fund for Library security	1,874	.....	.....	-1,874	.....

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3908 supplemental.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
tol Guide Service and Special Services Office	2,293	2,371	2,201	-92	-170
ements of Appropriations	30	30	29	-1	-1
Total, Joint items	100,826	133,078	112,829	+12,003	-20,449
OFFICE OF COMPLIANCE					
Salaries and expenses	1,992	2,095	1,816	-176	-279
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	26,121	28,493	27,403	+1,282	-1,090
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses	53,697	60,038	44,234	-9,463	-15,804
Capitol grounds	5,406	6,120	5,217	-189	-903
House office buildings	41,350	53,269	32,750	-8,600	-20,519
Capitol Power Plant	41,897	45,272	43,551	+1,654	-1,721
Offsetting collections	-3,985	-4,400	-4,400	-415	
Net subtotal, Capitol Power Plant	37,912	40,872	39,151	+1,239	-1,721
Total, Architect of the Capitol	138,365	160,299	121,352	-17,013	-38,947
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	70,973	75,640	73,810	+2,837	-1,830
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	73,297	80,800	69,626	-3,671	-11,174
Total, title I, Congressional Operations	1,169,367	1,281,143	1,176,187	+6,820	-104,956
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,438	4,916	3,216	-222	-1,700
LIBRARY OF CONGRESS					
ries and expenses	265,803	292,174	269,864	+4,061	-22,310
uthority to spend receipts	-6,850	-6,850	-6,850		
Net subtotal, Salaries and expenses	258,953	285,324	263,014	+4,061	-22,310
Copyright Office, salaries and expenses	37,485	38,903	38,771	+1,286	-132
Authority to spend receipts	-26,254	-26,783	-31,783	-5,529	-5,000
Net subtotal, Copyright Office	11,231	12,120	6,988	-4,243	-5,132
Books for the blind and physically handicapped, salaries and expenses	47,802	48,983	48,507	+705	-476
Furniture and furnishings	5,394	6,020	5,394		-626
Total, Library of Congress (except CRS)	323,380	352,447	323,903	+523	-28,544
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	19,857	20,278	15,837	-4,020	-4,441
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,872	34,451	25,652	-4,220	-8,799
Government Printing Office Revolving Fund					
GPO revolving fund		6,000			-6,000
Total, Government Printing Office	29,872	40,451	25,652	-4,220	-14,799
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	378,981	402,918	371,896	-7,085	-31,022
Offsetting collections	-1,400	-3,000	-3,000	-1,600	
Total, General Accounting Office	377,581	399,918	368,896	-8,685	-31,022
Total, title II, Other agencies	754,106	818,010	737,504	-16,604	-80,506
Grand total	1,923,475	2,099,153	1,913,691	-9,784	-185,462

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3906 supplemental.

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2001 (H.R. 4516—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	757,993	800,738	769,551	+11,558	-31,187
Joint Items	100,626	133,078	112,629	+12,003	-20,449
Office of Compliance	1,992	2,095	1,816	-176	-279
Congressional Budget Office	26,121	28,493	27,403	+1,282	-1,090
Architect of the Capitol	138,365	160,299	121,352	-17,013	-38,947
Library of Congress: Congressional Research Service	70,973	75,640	73,810	+2,837	-1,830
Congressional printing and binding, Government Printing Office	73,297	80,800	69,626	-3,671	-11,174
Total, title I, Congressional operations	1,169,367	1,281,143	1,176,187	+6,820	-104,956
TITLE II - OTHER AGENCIES					
Botanic Garden	3,438	4,916	3,216	-222	-1,700
Library of Congress (except CRS)	323,380	352,447	323,903	+523	-28,544
Architect of the Capitol (Library buildings & grounds)	19,857	20,278	15,837	-4,020	-4,441
Government Printing Office (except congressional printing and binding)	29,872	40,451	25,652	-4,220	-14,799
General Accounting Office	377,561	399,918	368,896	-8,665	-31,022
Total, title II, Other agencies	754,108	818,010	737,504	-16,604	-80,506
Grand total	1,923,475	2,099,153	1,913,691	-9,784	-185,462

NOTE: FY 2000 enacted includes 0.38% rescissions and amounts pending in H.R. 3908 supplemental.

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

The CHAIRMAN. Does the gentleman from Arizona (Mr. PASTOR) rise to claim the time in opposition?

Mr. PASTOR. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. PASTOR) for 5 minutes.

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

Mr. Chairman, I just want to take a minute to ask my colleagues to support this manager's amendment. The chairman and I have worked to make this bill a better bill, tried to fund the security needs, the needs that we have in order to maintain the House and the Capitol and reduce the pain. I would ask my colleagues to support the manager's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 106–685.

AMENDMENT NO. 2 OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMP:

Page 7, insert after line 8 the following (and redesignate the succeeding sections accordingly):

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances for fiscal year 2001 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

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

Mr. Chairman, before I begin, I first want to thank my good friend, the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee for understanding how important this amendment is to myself and many other Members of this Congress.

I also want to thank the Committee on Rules and its chairman, the gentleman from California (Mr. DREIER), for allowing me to bring this important amendment before the House today.

This amendment simply requires unspent office funds to be used for deficit or debt reduction. I believe that many Members are now familiar with this common sense amendment that former Congressman Zimmer and I and others first proposed back in 1991.

Before 1995, this amendment was never made in order. In 1995, this amendment was approved on the House floor by an overwhelming margin of 403–21 in 1996, and in 1997, it was accepted on the floor by the committee chairman. In 1998, the committee brought the bill to the House floor with this provision, Mr. Chairman, incorporated into the bill.

Last year, it was accepted on the floor by the committee chairman. I want to congratulate my friend, the gentleman from Indiana (Mr. ROEMER), for his efforts on this matter as well. I believe that the Camp-Roemer-Upton-Smith amendment will ensure that Members of Congress can demonstrate their personal commitment to a balanced budget.

This amendment requires any unspent office funds at the end of the year be used for debt reduction, or if a deficit exists, deficit reduction takes priority.

Mr. Chairman, in the last few years, we have achieved, what has eluded Congress for 30 years, a balanced budget. The fiscal year 2001 legislative branch appropriations bill continues our efforts to reduce the national debt and eliminate the national debt and holds a line on spending.

I thank the chairman again for considering the Camp-Roemer-Upton-Smith amendment, and I urge all Members to support the amendment and the bill.

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

The CHAIRMAN. Is there a Member opposed?

Mr. PASTOR. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) will control 10 minutes.

Mr. PASTOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from North Carolina (Mr. TAYLOR) from North Carolina and the gentleman from Arizona (Mr. PASTOR) for their support for this amendment.

I want to thank the Committee on Rules as well for allowing us to talk about this important issue, this common sense issue on the floor today. I also join with my good friend, the gentleman from Michigan (Mr. CAMP) in offering this amendment. He talked a little bit about the history of this amendment. I will talk a little bit more about that.

We started this crusade back in 1991 to say to the American people that their tax money should go back to the Treasury if Members of Congress work hard, out of their Member's representational allowances, to not spend it, that the taxpayer should be rewarded. We initially met with great resistance in the first couple of years we offered this.

The money instead went into a slush fund that was respent instead of back to the Treasury for debt or deficit reduction. I proudly join in a bipartisan way with the gentleman from Michigan (Mr. CAMP), the gentleman from Washington (Mr. SMITH), and the gentleman from Michigan (Mr. UPTON) to follow through on a pledge that we have been trying to pass for almost 8 years.

Mr. Chairman, I support this amendment for three reasons: One, that the House show leadership on issues of discipline and the budget. If the American people are making sacrifices to get a balanced budget, the House should take the leadership in that role.

The second reason I support this amendment is because when Members, through the course of the year, make decisions not to spend money buying a new photocopier or new computers, that money and their account should be able to go to the Treasury to reduce the debt and not be respent. If Members do the hard work to save money, they and the taxpayer should be rewarded.

The third reason I support this is because debt reduction is the biggest issue for the people throughout this country in this coming election. This will make a small yet important contribution to that debt reduction when Members do take the disciplinary choices forward and save money under their Members representational allowances.

For these three reasons, I think this is a common sense amendment. It is a bipartisan amendment. It makes a dent on the national debt; and, therefore, I urge its strong support.

Mr. CAMP. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, we accept the amendment and thank the gentleman from Michigan (Mr. CAMP), again, for offering this cost-saving measure.

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

Mr. Chairman, we accept the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I am not going to comment on the amendment itself directly, but I simply want to say this: I, for one, take exception to the idea that the greatest public service that we do for people is to refuse to use the little resources we have on behalf of the constituents we represent.

The size of this economy is growing. There are a huge number of power centers in this economy that have one whale of a lot more power than any individual Member of Congress, virtually every lobby group in society has a greater ability to communicate with our own constituents than we do.

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I make no apology for the fact that some Members of this institution use all of the resources made available to them under the rules to do their job and most effectively represent the public, and, secondly, to inform the constituents they represent about exactly what is going on out here.

I think that sometimes we see this body leave the impression that somehow we are apologetic about what our offices spend in order to do that job. I try to save every dollar that I can, and I regularly turn some money back to the Treasury. But, to me, when I ran a poll a number of years ago and asked my own constituents whether they wanted less or more communication from us, less or more service, the answer came back they wanted more.

So, frankly, I regard this as one of those ''holy picture'' amendments that lets Members, very often Members who have the least responsibility and the least impact around this place and who have full reason to turn back a good share of their office budgets, because they make very little contribution to this place and have very little impact on the outcome of the legislative product, they have a good reason to turn back virtually all of their office accounts. But there are a lot of people in this place, in both political parties, who, if anything, need more resources to meet their responsibilities.

We are not asking for those resources, but I do question the conventional wisdom that somehow the greatest public good is served if we all do a mea culpa about the fact we are using our resources to try to see to it that the constituents we represent have the most effective representation possible and that we communicate as much as we can with them.

I also say very frankly that we do no service to our constituents when we squeeze our own Members' office accounts so much that the average Senator can pay $20,000 more for a legislative assistant than can a Member of the House, when the average Senator can pay $25,000 more for an administrative assistant or a press secretary than a Member of the House can. We do the same work they do. About the only thing we do not do is ratify treaties, and, thank God, because you look at what a hash they have often made of that.

But it just seems to me that it is about time we recognize we are being advised literally by ''kiddy corps'' in our offices, because we do not keep people more than 2 or 3 years. You get people who come in at start up levels; and within 2 years, they can make a whale of a lot more money anywhere else than they can on Capitol Hill.

This Congress would be less amateurish, it would be more professional, we would have better oversight, we would have a better legislative product if we had many more experienced staffers than we do.

So I, for one, while this amendment is obviously going to pass, I question the premise behind it, because it seems to me that it allows Members to brag easily for doing something which very often is not in the interest of their constituents.

Mr. PASTOR. Mr. Chairman, we support the amendment.

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

Mr. CAMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is an important issue. When I ran for Congress back in 1998, my emphasis was on debt reduction; and it is an important issue because, since 1980, we have gone from approximately $750 billion in debt to over $3 trillion in debt and we are spending approximately $230 billion a year in interest payments on this national debt. It is absurd that we are paying this kind of interest on our national debt.

Now, this amendment does not go a long way to retiring that debt, but it is a symbolic gesture of what we should be doing, and that is practicing fiscal discipline. Last year my office turned over $50,000 back to the Treasury. If every Member of Congress would do the same thing, then it would go to some extent at least of retiring some of our debt. $50,000 here and $50,000 there, sooner or later it adds up to real money; and if we practice fiscal discipline, which I think this amendment is attempting to do, we can get about the business of actually retiring our Nation's debt and serving the people of this Nation in a positive way.

So I rise in support of the amendment. I think it is the right thing to do, not only in terms of policy, but in terms of a symbolic gesture, that we are really committed to retiring our Nation's debt, so we are not spending this God-awful $230 billion in interest payments on our national debt and interest.

Mr. CAMP. Mr. Chairman, I thank the chairman and ranking member for accepting the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 106–685.

AMENDMENT NO. 3 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RYAN of Wisconsin:

At the end (before the short title), insert the following new section:

SEC. 311. SPENDING ACCOUNTABILITY LOCK-BOX.

(a) ESTABLISHMENT OF LEDGER.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''SPENDING ACCOUNTABILITY LOCK-BOX LEDGER

''SEC. 316. (a) ESTABLISHMENT OF LEDGER.—The chairman of the Committee on the Budget of the House of Representatives and the chairman on the Committee on the Budget of the Senate shall each maintain a ledger to be known as the 'Spending Accountability Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three components: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

''(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDIT OF AMOUNTS TO LEDGER.—(1) In the House of Representatives or the Senate, whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

''(A) credited to the House or Senate Lock-box Balance, as applicable; or

''(B) used to offset an increase in new budget authority in any other account;

''(C) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the House or Senate Lock-box Balance, as applicable, if the amendment is agreed to.

''(2)(A) Except as provided by subparagraph (B), the chairmen of the Committees on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of Senate

amendments to that bill, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(B) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House of Representatives or the Senate to an appropriation bill, the chairmen of the Committees on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the House or Senate Lock-box Balance, as applicable, or that fall within the last sentence of paragraph (1).

''(3) The chairmen of the Committees on the Budget shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

''(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that subcommittee; and

''(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that subcommittee.

''(4) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

''(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

''(e) TALLY DURING HOUSE CONSIDERATION.—The chairman of the Committee on the Budget of the House of Representatives shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members in the House of Representatives during consideration of any appropriation bill by the House.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Spending accountability lock-box ledger.''.

(b) DOWNWARD ADJUSTMENT OF SECTIONS 302(a) AND (b) ALLOCATIONS.—(1) Section 302(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(6) ADJUSTMENT OF ALLOCATIONS.—Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 316(d)), the amounts allocated under paragraph (1) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 316(c)(2). The revised levels of new budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.''.

(2) Section 302(b) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Whenever an adjustment is made under subsection (a)(6) to an allocation under that subsection, the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under this subparagraph to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 316(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.''.

(c) PERIODIC REPORTING OF LEDGER STATEMENTS.—Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 316(a).''.

(d) DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for new budget authority and outlays set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 302(a)(6) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: ''As required by section 311(d) of the Legislative Branch Appropriations Act, 2001, for fiscal year [insert appropriate fiscal year], the adjusted discretionary spending limit for new budget authority is reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays is reduced by $ [insert appropriate amount of reduction] for the fiscal year.''. Section 306 shall not apply to any bill or joint resolution because of such statement. This adjustment shall be reflected in reports under sections 254(f) and 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by it shall apply to all appropriation bills making appropriations for fiscal year 2001 or any subsequent fiscal year.

(2) RETROACTIVE APPLICATION.—In the case of any appropriation bill engrossed by the House of Representatives before the date of enactment of this section, the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and the Committees on Appropriations and the Committees on the Budget of the House of Representatives and of the Senate shall, within 10 calendar days after that date of enactment, carry out the duties required by the amendments made by this section that occur before that date of enactment.

(3) FY2001 ALLOCATIONS.—The duties of the Director of the Congressional Budget Office and of the Committee on Appropriations of the House of Representatives pursuant to this Act and the amendments made by it regarding appropriation bills for fiscal year 2001 shall be based upon the revised section 302(a) allocations in effect upon the date of engrossment of this Act by the House of Representatives.

(4) DEFINITION.—As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

The CHAIRMAN. Pursuant to House Resolution 530, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

Mr. PASTOR. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me just briefly explain what this amendment does. This is the amendment we have often called the appropriations lock box amendment. This is an amendment that has been here before, in the 102nd Congress, the 103rd Congress, the 104th Congress, and the 105th Congress, and passed by voice vote earlier this year. This amendment has been voted on or cosponsored by 328 Members of this body; 328 Members of the minority side and the majority side have already either cosponsored this amendment or voted for this amendment. Yet for some reason today, it is experiencing incredible opposition.

What this amendment does is allow any Member of Congress to come to the floor with an amendment to cut or reduce spending on a given appropriations and use that savings to either dedicate it toward another program or to dedicate it toward debt reduction. It does not hamper us in negotiations with the Senate. The savings is realized after the conference report is passed.

What this does is it says if you want to eliminate spending in the Federal Government and you want to dedicate that spending toward reducing our national debt, you may do so. However, under the crazy rules of the House today, that is not the case. If you come here to the floor and pass an amendment to cut spending, it will be spent somewhere else in the Federal Government. But that is not the will of most Members of Congress. That is not the desire. So what this amendment says is you get the choice, whether your savings will go toward debt reduction or other spending. That is not the case today.

I might add that this has been a bipartisan amendment; it is a bipartisan amendment today. In the 103rd Congress it was considered. In 1994, the gentleman from New Jersey (Mr. ANDREWS) and Mr. Zeliff introduced a similar law. The President had an executive order in 1994 very similar to this. Congressman CRAPO, the gentleman

from South Carolina (Mr. SPRATT), and former Representative SCHUMER, now a Senator, introduced legislation like this a couple of Congresses ago.

In the 103rd Congress, the gentleman from Ohio (Mr. KASICH), the gentleman from Texas (Mr. STENHOLM), and Congressman Penny introduced similar legislation. More recently, in 1995, the House adopted a very similar piece of legislation to an appropriations bill by a vote of 364 to 59.

Mr. Chairman, this is widely accepted policy. I urge passage of the amendment.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the problem with this amendment is that it reverses the fundamental concept of the 1974 budget process. Rather than have Members of each body arrive at a consensus as to how much we ought to spend on discretionary programs, and then allow the appropriations process to sort out how to deal with competing priorities within that amount, it would call for revision of the discretionary spending limits each time the House disagreed with the Senate over spending priorities.

This would be a unilateral revision in the budget resolution. Once the House began adjusting appropriations bills, the House and Senate would move from identical limits on discretionary spending to different limits. This would mean the House would send conferees to work with the Senate on working out our differences on the individual bills with constraints so tight as to preclude any real prospect of producing legislation that could be sent to the President. The compromise money would be placed in the lock box. The Senate would have the choice of submitting to the House or rejecting a final agreement.

In short, this is a proposal that ought to be supported only by people who believe that we have too few train wrecks in this legislative body.

This sounds good on the surface, but it does not work in practice, which is why the Senate has routinely rejected it. It will again. All it means is this bill will be delayed further because of another conflict on another proposal which will go nowhere.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), and in doing so I would like to add I appreciate my colleague from Wisconsin. He is one of the Members who has been consistent on this issue in opposing this policy. I might add that 45 members of our current Committee on Appropriations either cosponsored or voted for this policy.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to explain to the Members of this House the reason why we think it is so important to pass this particular amendment.

These are flush times for Washington, D.C. There has been much ado about the record surplus we are expecting and the different ways we are going to spend that surplus. But in our eagerness to out do each other to spend the surplus, we overlook the long-term value of paying down the debt, a debt which is over $3 trillion, a debt which debt service alone runs $230 billion a year. We are saddled with that.

That is the purpose behind this amendment, to try to do something, Mr. Chairman, to make certain that when we in fact put forward an amendment to cut spending, that it does just that.

Mr. Chairman, the financial outlook for America may be good, but the past is mired in debt. We have maxed out on the credit card for Uncle Sam; and, frankly, until we pay this debt off, it is shortsighted for us to continue spending without restraint. It is shortsighted for us to claim on the floor that we are making an amendment to cut spending and then find out later that the appropriators have recommitted that spending.

So what this lock box amendment does is to capture all the savings from amendments which reduce or cut funding and to vote to devote the savings to one thing, and that is debt reduction. Under current law, when a Member offers an appropriation amendment that cuts the funding and the House concurs and says yes, this is wasteful Washington spending, the savings is automatically utilized for other discretionary funding. This defeats the whole point of savings.

Furthermore, this lock box will reduce the overall discretionary spending cap by the amount of the savings, to prevent our savings from being spent in the future. This will help Congress prepare for future needs.

Mr. Chairman, the economy is not going to keep this pace forever. We need to find long-term solutions to paying down the debt.

Mr. PASTOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to say that the gentleman from Wisconsin who offered this amendment in my opinion is one of the rising stars of this House and has spoken a philosophy that I have shared ever since I came to this Congress. But I must say that just passing the bills in the House is only the first step. There are many steps in appropriating for this government. Appropriations must pass through the subcommittees, the full committee, and the House of Representatives.

But then we have the Senate, which is the next activity, and then we have the conference committees between the House and the Senate, and then we have the negotiations between the Congress and the President of the United States; and then, in all of these negotiations, there must be some flexibility.

The gentleman from Pennsylvania (Mr. MURTHA), a while ago gave an example. Let me repeat that. If the House should reduce a particular airplane program by $1 billion, and that $1 billion goes into the lock box; and if the Senate reduces a shipbuilding program, well, the Senate does not reduce shipbuilding programs, let me use another example, some other example in the defense bill by $1 billion, that is $2 billion that goes into the lock box. But when you go to conference, there is negotiating in order to get the House and the Senate to come to the same numbers on the same issues.

□ 1215

This amendment, unfortunately, takes away the flexibility that is needed in order to reach these accommodations.

Now, if this were a unicameral legislature, only one House, I would say amen to this amendment without any hesitation, because philosophically, I do agree with this. However, we are not unicameral; we are a bicameral legislature, and we do have to have those negotiations. This amendment, in my opinion, would put the Members of the House at a serious disadvantage with our colleagues in the other body.

Now, when we get to conference, as I said, there must be considerable negotiations, and oftentimes, Members will approach the chairman of the Committee on Appropriations or one of our subcommittees and say, well, hey, can you add this for me when you get to conference.

My friend from California said that the appropriators spend the money. Well, let me tell my colleagues who really spends the money here. Our colleagues in this House of Representatives have requested of the Committee on Appropriations, for fiscal year 2000, over 22,000 projects. So the spending is done by Members of the House and Members of the other body, and they have the right to do this. That is why Members are elected to the Congress, to represent their districts, the interests of their districts, or to represent their philosophical viewpoints.

So from a philosophical standpoint, I could not agree more with the gentleman from Wisconsin, but there is a better approach. The gentleman from Pennsylvania earlier this year offered an amendment that I accepted as chairman of the committee, because it set aside a specific amount of appropriated money to go into debt reduction. I am for debt reduction; and I

think it is essential that we reduce the debt as rapidly as we possibly can. That amendment by the gentleman from Pennsylvania was something we could work with. But the pending amendment makes the process very unworkable, and I would hope that the Members would reject it.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to point out to the gentleman from Florida that this amendment also allows Members to come with specific amounts set to debt reduction just like the Toomey amendment does. Also, I think we addressed the bicameral flexibility in this amendment, because it is half of the House, half of the Senate becomes the total of the amount that is passed in the lock box and the conference report.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE), a member of the minority party.

Mr. MINGE. Mr. Chairman, I thank my colleague from Wisconsin for yielding me this time.

I would like to emphasize that the amendment that he is sponsoring today, and I am honored to join with him in cosponsoring, has had a long bipartisan history. I remember Congressman Bill Brewster, Congresswoman Jane Harman, Congressman CHUCK SCHUMER, and many others on this side of the aisle that have championed this cause. I have also worked with the gentleman from California (Mr. HERGER) on a parallel amendment.

Many of us sit on the Committee on the Budget, and we have struggled with this budget process; and I am sympathetic with the plight in which the folks on the Committee on Appropriations find themselves. But I also, having heard from the previous speaker, realize the enormous pressure that is on the Committee on Appropriations and the appropriations process. If we have 22,000 projects that are being requested that are not currently in the budget, it is tempting at every turn to try to accommodate one or another of those projects, if not hundreds of them. And we have had bills at the end of the session for several years running that have been enormous catchall bills, and these bills have been the opportunity for some of us to cause some mischief in the process. If we adopt this lockbox approach, it puts additional structure and discipline in how we deal with our responsibilities.

Mr. Chairman, I sympathize with the Committee on Appropriations members who are in conference with the Senate. I think those Senators cause us a lot of grief. But I think that if we have something like this lock-box rule that we go into that conference committee with, we can say to those Senators, look, we are going to draw the line. We did something bold in the House. We committed ourselves to deficit reduction, to using these savings to insulate Social Security and Medicare from any further compromising with respect to the integrity of those programs, because we spend too much.

Mr. Chairman, I urge that we join in a bipartisan effort and adopt this lockbox amendment.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is another one of those gimmicky amendments that pretends we can deal with some fundamental fiscal problems with a little tinkering with the process. It is based on a very fundamental myth, and that is that somehow over the years, there has not been discipline in discretionary spending. In fact, the history of the Budget Act is that the one part of the budget that has been subject to discipline has been discretionary spending.

The budget process, if it works, sets limits on discretionary spending. The Congress then works within those limits through House, through Senate, through conference committee, through negotiations with the President. That process works when those initial limits are realistic and have some relationship to reality.

To somehow pretend that this is not an ongoing dynamic process with changes as we go through the process from subcommittee to committee, to the House, to the Senate, just flies in the face of reality. It is an ongoing, dynamic process where in the end, our product is what we pass. It should be governed by realistic limits on discretionary spending.

The reason the process has broken down last year, this year, and the year before is that we start with unrealistic discretionary limits so they totally break down, we end up with a catchall at the end, which frankly, in my judgment, results in us spending more than if we had started at realistic discretionary spending limits. Vote no on this gimmick. It does damage; it does no good.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to add that this gimmick has been supported by 328 Members of this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I want to commend my colleague for again toiling in the field of the esoteric budget law; but this is important work, and to respond to the previous speaker, to suggest that there has been some kind of model of physical discipline in discretionary spending in recent years I think is simply to ignore the facts.

The facts are that discretionary spending has been growing at a very rapid rate, far greater than the speed at which the economy is growing or inflation. I think we clearly need a tool like this for some fiscal discipline. I am happy to note that such a large, overwhelming majority of this body have supported this at one time or another. I am sure Members will want to be consistent in their voting, so I am very hopeful that this will pass.

Mr. Chairman, I want to emphasize that all this amendment does is it gives a Member of this body the option to use the savings from an amendment; when he or she reduces a particular account, it creates the option to make sure that that savings actually becomes a savings and does not get spent somewhere else.

Now, if we want to do a transfer amendment, if we want to take from one account and put into another account, we can do that; and this amendment would not change that at all. The flexibility to shift money around from account to account would remain. But today, under our current budget rules, if what we really want to do is reduce spending and not spend it somewhere else, but actually use it to retire some debt and lower the burden on taxpayers in this country, we have no assurance that that will happen, because after we pass the amendment that reduces that account, that money can later be spent somewhere else in the process.

What this amendment does is it gives a Member of this body the option to say, no, I do not want to spend this money anywhere else; I want to see it go for some debt reduction. For that I think it is a very valuable tool, a very important tool; and I urge my colleagues to support it.

Mr. PASTOR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the previous speaker, the sponsor of this amendment and most of the folks who are supporting this voted for a budget that cut less from the national debt and took more time to get to balance than did the Democratic alternative which they voted against.

I serve on the Committee on Appropriations. We have 13 separate appropriation bills. Every Republican chairman as he has reported his bill to the full committee has said, we do not have enough resources to fund the priorities that we have within our responsibility. Every one of the Republican chairmen has said that.

This is not a case where the Committee on Budget has given the Committee on Appropriations so much money it does not know what to do with it. We cut $3 billion under the President's proposal for education, and 2.7 million children will not be served because of the budget that we passed.

Now, the fact of the matter is, the gentleman from California (Mr. ROYCE) talks about bringing down the deficit. I

am for that. I voted for the Balanced Budget Amendment; I voted for the 1997 agreement. I have been a fiscal conservative in the sense that we need to bring down spending. I voted for the 1993 bill, which, in my opinion, has made the most contribution to really bringing down the debt, not nickel and diming by this project or that project, but by hundreds of billions of dollars. That took courage. That is the way we ought to go, not, as the gentleman from Minnesota (Mr. SABO) says, by adopting gimmicks that are easy for a lot of people to adopt.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment.

This is not, obviously, the first time this has come up. Mr. Chairman, 238 Members of this institution have supported this amendment in the past and my friend from California (Mr. ROYCE), in fact, was the sponsor of it, I think, in the last Congress.

When we introduce an amendment to an appropriations bill to try to exercise some fiscal responsibility, reduce a line item that we may not particularly support, it is nice to think that after that amendment passes, the money does not disappear into some other program or some other spending item, and that, in fact, can go to debt reduction which I consider to be on equal footing with controlling the size of the budget, providing meaningful tax relief to working Americans, saving Social Security.

These are all important objectives, and it would be nice to be able to pass this amendment and have it in law so that when Members of Congress propose reductions in appropriations, that those reductions do not have to be offset by some other spending increase in some other part of the budget.

I commend the gentleman from Wisconsin for his courage in offering this amendment, and I hope that all of the 328 members who have supported this amendment in the past will stand up and do so again. It is good budgeting.

Mr. RYAN of Wisconsin. Mr. Chairman, in my last 30 seconds, I would just like to point out that this has been around before. All it does is says, a Member of Congress, if they want to cut spending in an appropriations bill, can dedicate that savings to another bill, to another program that is more valuable, or to pay off the debt. Mr. Chairman, 328 members of this Congress voted for this, 45 appropriators. If a Member wants to find out, if he or she wants to be consistent with their vote when we vote on this, come on down, we have a list right here.

Mr. Chairman, this is scored by the Citizens Against Government Waste, it is scored by the National Taxpayer Union. It is a common sense amendment, and I urge its passage.

Mr. PASTOR. Mr. Chairman, I would ask my colleagues to vote no on this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, let me tell my colleagues the practical problems we have with the legislation which we face. Many, many times we have lost $1 billion in the defense bill, and our defense bill is $288 billion this year. But when we lose it on the House side, if somebody offered an amendment on one, say it was the F–22 and the Senate had a different figure, we would go into the conference and have a very difficult time resolving it. We would lose our flexibility.

There is no easy way to reduce the deficit. It can only be done with very difficult decisions. In defense, we figure we are $15 billion to $20 billion short. So if we took out this kind of money, it would actually affect national defense in a very derogatory way.

□ 1230

So I would hope the Members would understand the importance of this vote. This is absolutely essential to our flexibility in dealing with the other body, so that if something is cut in the House, we can go back and renegotiate and hopefully be able to either restore something or, in the end, get the Department to pay attention to what we are telling them to do.

Last year we cut the F–22. We said we needed more testing. We cut a lot of money out of it. If we had not had this flexibility, this program would have been killed. We would not have had this flexibility.

I would urge the Members to reconsider the vote on this particular amendment. There is no easy way to do it except to vote up or down on these issues. I would urge the Members to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 235, not voting 15, as follows:

[Roll No. 312]

AYES—184

Aderholt
Andrews
Archer
Armey
Baird
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Bilbray
Bliley
Blunt
Boehner
Boswell
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Doggett
Dreier
Duncan
Dunn
Ehrlich
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Kleczka
LaHood
Largent
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Maloney (CT)
Manzullo
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Myrick
Ney
Norwood
Nussle
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Toomey
Upton
Vitter
Walden
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield

NOES—235

Abercrombie
Ackerman
Allen
Baca
Bachus
Baldacci
Baldwin
Barcia
Bateman
Becerra
Bentsen
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Edwards
Ehlers
Emerson
Eshoo
Evans
Farr
Fattah
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Houghton
Hoyer
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (NY)
Markey
Martinez

Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Rogers
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shuster
Simpson
Skeen
Skelton
Slaughter
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Cook
Cubin
Davis (IL)
Dicks
Engel
Filner
Hobson
Hyde
Kuykendall
McCollum
Rangel
Roybal-Allard
Towns
Vento
Wynn

□ 1253

Mr. DICKEY and Mr. MCCRERY changed their vote from ''aye'' to ''no.''

Messrs. BEREUTER, DEUTSCH, HOLT, SUNUNU, CUNNINGHAM, ENGLISH and BAIRD and Ms. PRYCE of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 530, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

The vote was taken by electronic device, and there were—yeas 373, nays 50, not voting 12, as follows:

[Roll No. 313]

YEAS—373

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—50

Andrews
Becerra
Brown (OH)
Chenoweth-Hage
Conyers
Costello
Davis (FL)
Delahunt
Dingell
Doggett
Evans
Farr
Fattah
Ford
Frost
Gejdenson
Gephardt
Green (TX)
Hoyer
Hulshof
Inslee
Kennedy
Kind (WI)
Lee
Lofgren
Lucas (KY)
Luther
Miller, George
Minge
Moran (KS)
Moran (VA)
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Roemer
Rothman
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Smith (WA)
Stark
Tanner
Towns
Waters
Watt (NC)
Waxman

NOT VOTING—12

Cook
Cubin
Engel
Filner
Hobson
Hyde
Kuykendall
McCollum
Rangel
Roybal-Allard
Vento
Wynn

□ 1310

Messrs. FARR of California, MINGE, PETERSON of Minnesota, SHAYS and TOWNS changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Illinois changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOBSON. Mr. Speaker, I regret that I was not present during rollcall votes 311, 312, and 313. Had I been present, I would have voted "yea" on rollcall vote 311, "no" on rollcall vote 312, and "yea" on rollcall vote 313.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4655

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Florida (Mr. FOLEY) as a cosponsor of H.R. 4655, my bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4609, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 529

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 102, lines 15 through 17. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the legislation before us is an open rule that will allow us to have a full and open and fair debate of the issues contained within H.R. 4690, the Commerce, Justice, State, Judiciary and Related Agencies Appropriation Bill for Fiscal Year 2001.

This open rule waives all points of order against consideration of the bill. The rule provides one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph.

The rule waives clause 2 of the rule XXI against provisions in the bill, except as clarified by the rule. Clause 2 of rule XXI prohibits unauthorized or legislative provisions or transfers of funds in an appropriations bill.

The rule authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

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

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

Mr. Speaker, the underlying legislation is very important. H.R. 4690 provides funding for the Departments of Justice, Commerce, and State, as well as funding for the Federal Judiciary.

Very briefly, the Department of Justice is tasked with providing American citizens protection through effective law enforcement.

The Department of Commerce has four basic missions: promoting the development of American business, increasing foreign trade, improving the Nation's technological competitiveness, and encouraging economic development.

The State Department has a mission to advance and protect the worldwide interests and assets of the United States.

Finally, appropriations for the Judiciary cover the Supreme Court as well as lower Federal district courts.

Mr. Speaker, passage of this rule and the underlying legislation will ensure our Government has adequate funding to fight the war on drugs and crime.

This Republican Congress has a record of success on drug and crime prevention programs contained within this legislation. Under the funding priorities set by these yearly appropriations, our Nation's violent crime rate has decreased for 5 straight years.

In fact, the bill provides an increase of $1.75 billion over last year's level for the Department of Justice. That is $128 million more than the President requested.

The total funding for the Department of Justice under this legislation is more than $20 billion. That number is far too large for us to comprehend. However, each one of us is affected by these programs that are funded by and within this Department.

The program within the Department of Justice that immediately comes to my mind is the ''weed and seed'' program. Through this program, law enforcement officers receive community-policing training with a special emphasis on mediation skills. Officers are taught to literally pull the weeds, the troublemakers, out of communities and replace them with seeds, law-abiding citizens, which will help a community grow and prosper.

Vicki Martin, a friend of mine, who heads the Ferguson Road Initiative in Dallas, Texas, is our team leader using the weed and seed dollars provided by the Department of Justice. By using this Federal money, Vicki Martin and the Ferguson Road Initiative have successfully increased the quality of life for persons within my congressional district.

Not only does this legislation fund the agencies that make Americans safer at home, it also provides security for Americans serving abroad.

All of us were troubled by the bombings of United States embassies in Africa just a few years ago. A report after those bombings revealed severe security lapses at other U.S. Government facilities abroad also.

This legislation will demonstrate Congress's commitment to protect our overseas posts and employees by providing $1.06 billion for worldwide security improvements.

Mr. Speaker, I would like to take 1 minute to comment on one issue within this bill that is also very important to me.

In light of recent attacks to private sector Web sites, I have become increasingly aware and concerned about the vulnerability of the Federal Government's computer systems to terrorist attack. Tragically, the current administration has failed to address this as a significant threat.

Recently the United States General Accounting Office reported that almost every Government agency is plagued by poor computer security. Specifically, the GAO reports that weaknesses

in computer security at the Defense Department provide computer hackers the opportunity to modify, steal, and destroy sensitive data. The Department of State mainframe computers for domestic operations are also very susceptible to cyber terrorists according to the GAO.

In my view, the lack of attention paid to cyber security by the Clinton-Gore administration is one of the biggest and most glaring examples of mismanagement and is a threat to our national security.

I had wished to offer an amendment to this appropriations measure to address this issue of cyber security. I had hoped that at least $10 million of the money allocated to the State Department for security improvements would be directed to tighten information security at the Department.

I understand this amendment would constitute legislating on appropriations and would first need to be considered by the appropriate authorizing committee. This being the case, I chose not to offer this amendment to the appropriations bill. However, I am pleased that the gentleman from Kentucky (Chairman ROGERS) has agreed to work with me to see that that important issue is addressed in the coming year.

By avoiding controversial legislative provisions on appropriations bills, the House leadership has moved appropriations bills in a manner consistent with finishing properly by the end of this fiscal year.

Accordingly, I encourage other Members who intend to offer amendments to this appropriations that are legislative in nature to join me in supporting this rule and working to address other issues in their proper context and through the regular order of the House.

Mr. Speaker, with this Commerce, Justice, State, Judiciary appropriations bill, the Committee on Appropriations has once again managed to balance a wide array of interests and make tough choices with limited resources. This legislation funds important programs to reflect our national priorities while keeping within the confines of a balanced Federal budget.

I commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for their work on this legislation.

Mr. Speaker, I urge my colleagues to continue the careful manner in which this legislation was crafted and to support the rule.

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

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

Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, this is an open rule and it will allow for consideration of H.R. 4690.

As my colleague from Texas has explained, this rule will provide for general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

This allows germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments that do not violate the rules for appropriation bills.

Mr. Speaker, we live in a time of unparalleled economic growth. Never before has any nation experienced the prosperity this country now enjoys. We can afford investing in our future.

However, once again, we are faced with an appropriations bill which does not adequately fund critical Government programs for law enforcement, international diplomacy, civil rights, and scientific research.

This bill cuts the President's request for international peacekeeping by $241 million. This is shortsighted because money for peacekeeping is an investment in avoiding a more tragic and expensive war.

Provisions in the bill will prevent the United States from paying its full dues in the United Nations. This undercuts our position as a world leader.

The bill reduces the President's request for the Federal Trade Commission by $30 million. This is at a time when the FTC is launching an investigation, and we are asking them to do this, into the high prices of gasoline in the Midwest at the request of many of us.

The FTC is also in the middle of an investigation of the high prices of prescription drugs. Now is not the time to jeopardize these critical issues.

The bill underfunds Community Oriented Policing Services, gun enforcement initiatives, antitrust enforcement and consumer protection, counterterrorism, antidrug campaigns, and civil rights enforcement.

The bill underfunds Violence Against Women programs. I am especially familiar with the effects of cuts in these programs. In my district, the Artemis Center for Alternatives to Domestic Violence has successfully used these grants to assist victims and reduce domestic violence in the Dayton, Ohio, area. However, cuts in the last few years have threatened the effectiveness of this group.

The list goes on and on.

The Committee on Rules considered a number of Democratic amendments that would increase funding for programs covered under this bill. The Republican-controlled Committee on Rules rejected every one.

Now is the time that we must use the national wealth to invest in the future.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. Speaker, I rise today in opposition of the rule and the underlying funding of the Commerce, Justice, State appropriations bill. This bill simply does not provide enough funding for one of the most important crime prevention programs we have today, the COPS program, and it weakens several other important programs, as well.

I remember standing here just last October to speak against last year's CJS appropriations bill because it underfunded the COPS program. It is amazing to me that we must once again have this fight about funding what is a proven, effective, and necessary program to fight crime in our communities. With pork barrel projects funded year after year, I cannot understand why we cannot agree on full funding for the COPS program.

A number of amendments to increase funding for the COPS program will be offered today, and I hope everyone will support them. Because the main principle behind the COPS program is to put officers in this Nation's communities and on the streets, fighting crime in our cities, our suburbs, and our towns.

Currently, over 80 percent of law enforcement agencies employ the community policing philosophy making it the predominant crime fighting strategy in America. I am sure my colleagues have all heard of the excited response from their local police departments when we tell them that they have just received one of the COPS grants.

This program works. On May 12, 1999, the United States Department of Justice and COPS funded the 100,000th officer ahead of schedule and under budget. That is 100,000 officers working on the front lines to protect our communities and our citizens, making a visible difference, and contributing to the drop in crime that has lasted 8 consecutive years.

I support the President's plan to continue the COPS program for an additional 5 years to add up to 50,000 more police officers on the beat.

□ 1330

I support the COPS programs that fund additional prosecutors, cops in schools and training and technology equipment for law enforcement. I cannot support this appropriations bill because it falls far short of the President's request of $1.3 billion to fully fund the COPS program.

I am a former police officer, a co-chair of the Law Enforcement Caucus and of the Democratic Crime and Drugs Task Force. I have spent years working on law enforcement and crime-related issues, and I am here on the floor today to tell my colleagues that this bill does not do enough. It does not do enough

for the COPS office; it does not do enough to fund crime prosecutions, for violence against women grants, or crime fighting technologies. It weakens the Federal Government's important role in protecting civil rights by cutting funding for the EEOC, the Legal Services Corporation, and the civil rights division. I will vote against this bill because I know we can and we should do better to ensure our communities are safer, our police departments are better equipped, and our individual rights are better protected.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much on the Committee on Rules for yielding me this time. I know the hard work that is done by all the Members in this body. It is unfortunate that in this process there could not be more collaboration on the appropriations that could lend themselves to bipartisan support.

This appropriations bill, Commerce, Justice, State and the Judiciary, does not do justice and it is supposed to have oversight over those agencies that are to render justice. It does not do justice. It does not recognize that we are in the most prosperous times of our life, more prosperous than we were ever in the 20th century and now at the beginning of the 21st century we have much to offer the American citizens.

I said just a few days ago that we spend a lot of time talking about tax cuts, but we do not realize that the moneys that we appropriate are really an investment in America's future. They are an investment in America's security. Why for the life of me would we cut this particular appropriations $2.5 billion less than the President's request? Why would we take a very popular program, one that has worked, one that does not discriminate whether you are in a large inner city or whether you are in a rural hamlet or a village. The Cops On the Beat program overall has proven to be very successful. Over time in the Committee on the Judiciary we have heard testimony after testimony of officers who have come forward from different communities and said, We could not have the kind of patrol and security and outreach to the community if we did not have the Cops on the Beat program. Yet that program is underfunded almost to the extent of extinction.

Then the bill cuts the Legal Services Corporation. Mr. Speaker, I was on the board of the Gulf Coast Legal Foundation in my own community. What those Legal Services Corporation lawyers do around the Nation is they affirm and confirm that all of us are created equal, working families who are low income, who need child support or need help in their family law matters, who need rental assistance or landlord-tenant issue assistance. These are the kinds of clients that every year we come to the floor and we bash them and we in essence say, ''Go get yourself a Fifth Avenue lawyer.'' And if you can't afford it, forget it. Paupers don't need to come into the courtroom because we're not worried about poor people. I do not understand what the purpose in of cutting the Legal Services Corporation.

This rule, of course, is an open rule, so I guess one would say you should support it. I do not, because frankly we have a situation that promotes a bill that does not answer the concerns of the American people and point of orders against Democratic amendments have not been waived. The digital divide is not taken care of. I for one believe that this was an excellent opportunity that we could provide those resources.

Mr. Speaker, we are going to have a long and vigorous debate on this legislation. I intend to offer amendments dealing with late amnesty. I think we need more dollars to deal with the border patrol. I do appreciate the work of the ranking member and as well the chairman. These issues that we have dealt with and have not been resolved, I hope the Republican majority will waive the points of order and deal with this important crisis that we are facing dealing with thousands of individuals who have been in this country working, but they are still considered illegal immigrants because the INS has not seen fit to remove these problems that have prevented them from applying for legal citizenship. We will have that debate, and I hope that we will have a vigorous debate. I would like my colleagues to support me in those amendments.

Finally, let me say the great disappointment that I have additionally found with this bill along with the other issues that I have cited that although America promotes peace in this Nation and we know that there is strife on the continent of Africa. In fact, I met with the ambassador to the United States from Uganda. I was in the Security Council just a few days ago at the United Nations. Yet this body is cutting $240 million from the peacekeeping efforts in Sierra Leone. This is wrongheaded and misdirected. We are going in the wrong direction, Mr. Speaker. I hope we can correct this as we move this appropriations process forward.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the former chairman of the Committee on Appropriations, now the ranking minority member.

Mr. OBEY. I thank the gentleman for yielding me the time.

Mr. Speaker, there are a number of reasons why I am going to vote against this rule and against this bill. First of all, we just voted on an amendment that was a nongermane amendment that the Committee on Rules put in order which was offered by a member of the majority side. But now on this bill every single Democratic amendment that was requested to be made in order by the Committee on Rules was denied. That is the procedural reason why I am voting against it.

Secondly, it just boggles my mind. If you take a look at this bill, this Congress just voted to give the 400 richest families in America a $200 billion tax cut. Now it has to squeeze out all other programs in order to try to keep that commitment to the wealthiest 2 percent of people in this country.

For instance, it says that it is going to slash the Legal Services Corporation, which is the corporation that helps poor people have legal defense when they have a lawsuit. It is insufficient in the area of civil rights. It is certainly destructive in the area of peacekeeping with its budget cuts. We have all Members of this House crying all over the floor about what is happening with gas prices. Yet this bill cuts $50 million below the request for Justice Department and Federal Trade Commission programs to pursue antitrust actions and other noncompetitive actions in the marketplace.

I would especially like to focus for one moment on that latter issue. On the agriculture subcommittee bill when it was before the Committee on Appropriations, I offered an amendment to try to do something about the monopolistic practices that occur in the food industry, where you have just literally a handful of companies, four or five, who control the majority of processing for poultry, for beef, for pork and for other food products in this country. That works to make farmers serfs rather than farmers; and it does not do anything very helpful for consumers as well. In this bill, we see the same problem.

The primary obligation we have in the capitalist system is to see to it that for consumers and for every business in this country, we have truly competitive marketplaces. You do not have those marketplaces if you do not have the ability of government to check out what practices are endangering those free marketplaces, whether they occur in the computer industry, in poultry processing, you name it.

Yet this bill has whacked the Justice antitrust division; it has whacked the Federal Trade Commission and in the process has made it very difficult for those agencies to pursue their job of keeping the American marketplace a truly competitive marketplace. We have to understand that with this changing economy, we have these huge new corporate entities that are being created overnight, and not just on the Internet. You have got one company that has become so big in the last year, its increase in market capitalization,

its increase, I am talking about Oracle, is larger than the combined market capitalization for Ford, Chrysler, and General Motors combined. We need to have the Justice Department and the Federal Trade Commission with sufficient resources to attack those problems.

And when we see the oil industry gouging people as they are gouging them today in the Midwest on gasoline prices and we see Members of Congress stumbling over each other to get to the nearest microphone to rise in protest against that, what do we see this body doing? We see them cutting the President's request for the Federal Trade Commission, the agency charged with the responsibility to review not only those anticompetitive market practices but dozens of others by dozens of other companies in the economy.

This bill is totally inadequate to defend the rights of consumers, it is totally inadequate to assure every corporation in America that they are competing on a level playing field, and it is antibusiness when it does that. There is nothing more pro-business than seeing to it that an American entrepreneur or an American corporation has the ability to compete in a real marketplace. This bill denies that. We ought to vote down both the rule and the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I rise to speak on the rule to correct a misconception that may be going around the House. I had requested a waiver from the Committee on Rules for an amendment to increase the Legal Services Corporation. I did that because I am troubled every year by the fact that we come to this floor with a very low amount for Legal Services, fully understanding that in the House the amount will go up and in conference the amount will even go higher. So I wanted to avoid us that pain by asking for a waiver from the Committee on Rules. That did not take place. So I will still be presenting an amendment.

However, the amendment, and this is what I want to clarify, will be offsetted. It will have offsets and it will bring us up to $275 million. So there is a misconception going around the House that we will be presenting an amendment that Members cannot vote for in a bipartisan fashion. That is not correct. The amendment that I will be presenting will allow us to bring for the time being the Legal Services Corporation up to $275 million, and there will be offsets that I will be presenting.

Also, Members should know that that particular amendment will be part of the early process of the discussion rather than later on.

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

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

There are a few things that obviously I need to respond to that have been discussed here in the discussion of the rule. First of all, I do recognize that there are people in Congress who want to spend more and more and more and more and more money. My years in Congress have taught me that virtually every single vote is about more spending or less spending, more rules and regulations or less rules and regulations, and about whether we are going to have a balanced budget or not. I learned a long time ago that you cannot please everybody in this House of Representatives.

But to hear my colleagues say that COPS was underfunded to the point of extinction is an exaggeration that cannot go without an explanation. In fact, the COPS, which is the Community Oriented Policing Services, is funded to the tune of $595 million. I do not consider that to the point of extinction. I consider that to the point of there was a realistic discussion that we have to live within a balance of how much money we are going to be spending.

We had a vote earlier in the year to determine what the budget would look like. As I recall, not one member of the minority party would even offer the President's budget for consideration or vote on the floor of the House of Representatives.

□ 1345

Yet what they want to talk about over and over is the President's budget, what the President's budget does; and yet not one Democrat would even sponsor the President's bill on this floor.

We do have a Republican bill that passed, and that is the budget that we are working within; and proudly we are going to say that we would not spend a penny of Social Security, and we would make sure that we balance the budget.

Secondly, the gentleman from Wisconsin (Mr. OBEY) had an opportunity to state that the Federal Trade Commission must have sufficient resources to attack problems like the growing market capitalization of Oracle.

Mr. Speaker, we have just been through another vigorous debate in this country about how another large company like Oracle was treated; they are Microsoft.

Mr. OBEY. Will the gentleman yield?

Mr. SESSIONS. I will not yield.

Mr. OBEY. That is not what I said.

Mr. SESSIONS. I will quote: ''To attack the problems like the growing market capitalization.''

Mr. OBEY. Market capitalization, but not Oracle. I was using Oracle as an example of increased market capitalization.

The SPEAKER pro tempore. (Mr. HANSEN). The gentleman from Texas (Mr. SESSIONS) controls the time.

Mr. SESSIONS. I will accept the gentleman's explanation that perhaps he did not mean Oracle, what the gentleman was talking about was a large company like Oracle when he said that, and I will accept the gentleman's explanation. I do accept the gentleman's explanation.

What I will tell you, Mr. Speaker, is that the Republican Congress is proud of these large companies that employ millions of Americans, and I do understand that. I think these companies get it that this Justice Department would sooner have people like Bill Gates and others to be Germans or Chinese or from another country; they do not want them here in this country.

Mr. Speaker, I will say that I believe that they add not only to the confidence of this country but also the might and the strength that we have of the capitalization, of jobs, of the technology, of e-commerce and are solving problems in our country. I am proud of what this rule does.

I am proud of the balance that we have had in this bill, and I would remind my colleagues that this is an open rule allowing any Member of Congress to offer any germane amendment; and this being the case, I urge my colleagues to support this rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 21, as follows:

[Roll No. 314]

YEAS—225

Aderholt	Burton	Dickey
Archer	Buyer	Doolittle
Armey	Callahan	Dreier
Bachus	Calvert	Duncan
Baker	Camp	Dunn
Ballenger	Campbell	Ehlers
Barr	Canady	Ehrlich
Barrett (NE)	Castle	Emerson
Bartlett	Chabot	English
Barton	Chambliss	Eshoo
Bass	Chenoweth-Hage	Everett
Bateman	Coble	Ewing
Bereuter	Coburn	Fletcher
Biggert	Collins	Foley
Bilbray	Combest	Fossella
Bilirakis	Condit	Fowler
Bliley	Cooksey	Franks (NJ)
Blunt	Cox	Frelinghuysen
Boehlert	Crane	Gallegly
Boehner	Cunningham	Ganske
Bonilla	Davis (VA)	Gekas
Bono	Deal	Gibbons
Brady (TX)	DeLay	Gilchrest
Bryant	DeMint	Gillmor
Burr	Diaz-Balart	Gilman

Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—188

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

NOT VOTING—21

Barcia
Brown (FL)
Cannon
Clement
Cook
Cubin
Dooley
Engel
Filner
Hyde
Kleczka
Kuykendall
Linder
McCollum
Meek (FL)
Murtha
Rangel
Roybal-Allard
Ryun (KS)
Vento
Wynn

□ 1407

Ms. WOOLSEY changed her vote from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. 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. 4690, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 529 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. 4690.

□ 1409

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. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, we present to you H.R. 4690, making appropriations for the Departments of Commerce, Justice, and State, and the Federal Judiciary and related agencies for fiscal year 2001. This bill provides funding, Mr. Chairman, for the largest variety of Federal agencies of any bill. The impact ranges from safety on our streets, to the conduct of diplomacy around the world, even to predicting the weather from satellites in outer space. So we will have a chance to talk about a big chunk of the Federal Government when we talk about this bill.

The bill requires a very delicate balancing of needs and requirements. We continue in the bill to recognize the very tight funding restraints under which we are required to live because of the 1997 Balanced Budget Act. At the same time, we must keep in mind the most fundamental needs of our Nation, and we have to provide sufficient funds to ensure that those needs are met.

This bill recommends, Mr. Chairman, a total of $34.9 billion in discretionary spending, and that is within our allocation from the Congress and the full committee. Within that limited allocation, we focused funding on priority areas to maintain our investments and to address key priorities, including maintaining our efforts in the war on crime and drugs by fully funding current operations for Federal law enforcement and the courts, as well as the growing detention needs in our prisons and our INS detention centers.

We maintain our crime fighting partnership with States and our localities to ensure that they have the tools they need to fight the war on crime and drugs, as well as the emerging threats of domestic terrorism; and we all know that it is in our local communities and in our States where the biggest war on crime and drugs and terrorism has to take place.

We maintain other important programs at current operating levels, including the weather service, weather satellites, trade promotion, law enforcement, State Department operations and small business assistance programs, as well as to provide full funding to complete the Decennial Census.

We continue and we strengthen our efforts to provide the most secure environment possible for our diplomatic personnel as they carry out their vital work overseas. We strengthen our efforts to address the growing crisis in

detention, the continued problem of illegal immigration, and new and emerging crime threats as we move into the 21st century.

Within our limited resources, we have tried to stay the course, preserve proven programs, and address the highest priority problems. We have deferred funding for proposals for new programs that are undefined, untested, and unauthorized by the Congress, and may be impossible to sustain in future years.

For the Department of Justice, the biggest part of this bill, we recommend $20.3 billion for discretionary spending. That is $1.75 billion over the current year; and the vast majority of that increase is just to maintain current operating levels of Justice and to address the growing detention crisis. Of the increase, 45 percent, $789 million, is for increased detention costs to house Federal prisoners, criminal and illegal alien populations that are being detained in this country.

The bill also includes a $415 million increase for Federal law enforcement operations, FBI, DEA, U.S. Attorneys and U.S. Marshals, just to maintain their current operations and provide targeted increases for firearms prosecutions, drugs, cyber-crime, and national security threats.

□ 1415

In addition, $329 million is provided to ensure that Federal, State and local law enforcements are able to continue to operate in the new technology arena that the world has entered.

For INS, the Immigration Service, in addition to detention funding, we also provide increases for another round of new Border Patrol agents and technology that supports them, and for interior enforcement within the U.S., and to try to reduce the enormous naturalization backlog that now is years long.

The bill also includes a total of $4 billion for our State and local law enforcement partners as they fight the crime on the local level, including the COPS program. These programs are all maintained at pre-rescission fiscal year 2000 levels.

For the Department of Commerce, $4.4 billion is recommended, and that is a net decrease of $287 million below the comparable 2000 year level, excluding the one-time cost for the decennial Census, which we had to fund last year.

The bill maintains funding for most Commerce agencies at the current year level and provides some increases for key programs, including the weather service, weather satellites, NIST core research programs, and the U.S. and Foreign Commercial Service in our embassies overseas.

These increases have been offset by eliminating low-priority NOAA programs and the Advanced Technology Program, as well as savings from nonrecurring, one-time construction costs at the National Institute of Standards and Technology.

What this bill does not do, Mr. Chairman, is fund a number of new or expanded Commerce programs requested in the budget, unauthorized and, in some cases, even undefined, and we have not funded significant program expansions whose future funding levels may not be able to be sustained in future years.

For the Judiciary, from the Supreme Court down to the district courts, we recommend $3.49 billion, that is an increase of $245 million above the current year. That is just to allow the courts to maintain their current operations and to provide for a limited number of programmatic increases, and to allow the new judges that are being appointed and new courthouses being opened in order to staff those offices. These increases are in line with those provided to maintain our commitment to law enforcement. We cannot increase the investigators without increasing the courts to handle them and the prosecutors to prosecute them and the prisons, finally, to house those convicted.

For the State Department and the Broadcasting Board of Governors, we recommend $6.4 billion. That is an increase of $253 million over current levels, but $405 million below what was requested of us. The recommendation includes $3.1 billion for the domestic and overseas operations of State, and that is an amount sufficient only to maintain the current levels of staffing and our overseas presence.

The recommendation provides just over $1 billion, $1.06 billion, the full request, to address critical embassy security requirements and to continue designing and constructing secure replacement facilities for the most vulnerable of our overseas posts where our personnel are most at risk. This is a priority of this subcommittee, and I am delighted that we were able to meet the requests for spending in total.

We recommend $438 million for all U.S. government-sponsored international broadcasting, now functioning as an independent agency under the Broadcasting Board of Governors.

Related Agencies. Last but not least, we include $1.9 billion, $507 million below the request, and $128 million below current levels, but this level preserves current agencies and functions, and we reduce or eliminate lower priority programs. We include $856 million for the Small Business Administration, including $276 million for the disaster loans program and $264 million for business loan programs.

We have tried, Mr. Chairman, to bring to the committee a clean bill. It is free of the major policy controversies that have bogged us down in the past, and it meets the highest priority needs within the allocation we were given. We give no ground in the war against crime and drugs, we maintain our commitment to core programs at Commerce, including the National Weather Service and high priority items within NOAA; we maintain our commitment to providing secure facilities for our overseas personnel, and by hitting the subcommittee allocation we were given, we maintain the principle of fiscal restraint. It represents our best take on matching needs with resources, and I hope the House will stand behind it.

I want to thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been a very effective and valued partner of mine and colleague as we drafted and worked on this bill. I deeply appreciate his thoughtfulness and his tireless participation throughout the process and his frank discussions with me about our work.

I would be remiss if I failed to thank all of the members of the subcommittee: The gentleman from Arizona (Mr. KOLBE); the gentleman from North Carolina (Mr. TAYLOR); the gentleman from Ohio (Mr. REGULA); the gentleman from Louisiana (Mr. LATHAM); the gentleman from Florida (Mr. MILLER); the gentleman from Tennessee (Mr. WAMP); the gentleman from California (Mr. DIXON); the gentleman from West Virginia (Mr. MOLLOHAN); and the gentlewoman from California (Ms. ROYBAL-ALLARD), for all of their work and assistance, and to express our thanks for all the long hard hours of our staff; it takes dedication and stamina, and they have been there. We want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the full committee ranking member, for their help.

Mr. Chairman, I urge all Members to support this bill.

One final consideration on this bill, one note of privilege here, and that is that my staff is maintaining a list of amendments, those that are filed and those only in the drafting stages, and I would appreciate the Members letting us add their name to the list if they think they might have an amendment. Simply knowing of that will help us manage the bill and perhaps speed its consideration.

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

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to emphasize what the Chairman has just said with respect to that one point. If we are to be able to try to work on some kind of unanimous consent agreement at some point, we need to know the full universe of amendments, and what Members' full intentions are. Otherwise, it is difficult to protect those Members, and the sooner we know that, the sooner we can try to meet the demands of the House.

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

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

Mr. Chairman, I rise to discuss H.R. 4690, the bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and several related agencies for fiscal year 2001. I would be remiss if I did not first express my appreciation for the excellent relationship the gentleman from Kentucky (Mr. ROGERS), the chairman of our subcommittee, and I have enjoyed since I came on board as ranking Democrat, nearly a year and a half ago. He has been a good and fair leader and that made my tenure on the subcommittee both pleasant and productive, as well as educational. I must point out that this is his last year as chairman under the term limits imposed by his conference. His knowledge and experience of this bill can hardly be matched in the House, and I believe this will be a tremendous loss to us.

I also want to thank the full committee chairman, the gentleman from Florida (Mr. YOUNG) and my ranking member, the gentleman from Wisconsin (Mr. OBEY) for their support and understanding during these very difficult times.

It has also been a pleasure to work with the other subcommittee members. Those on our side have worked particularly well together, and I must especially thank the gentleman from California (Mr. DIXON) and the gentleman from West Virginia (Mr. MOLLOHAN), both of whom have served on the subcommittee for many more years than I have who have quietly guided and graciously supported the newer members, the gentlewoman from California (Ms. ROYBAL-ALLARD) and myself.

I want to take this opportunity to also thank both the subcommittee staff and my personal staff and our committee staffs. They are all here with us right now. They are Gail and Jennifer, Mike, Christine, John, Greg, Kevin, and, of course, our subcommittee staff, Sally, Pat, and my own staff, Lucy, Nadine, and Cecelia. I am sure I left somebody out, and I am in trouble for that.

As I have said often enough each year, within ever-tighter budget allocations, it grows tougher to produce a defensible bill. But my chairman has done a decent job with the resources allocated to him. The biggest flaws in this bill flow from the artificially low allocation and the choices it has forced on the subcommittee.

Despite a very sound economy and healthy, on-budget surpluses which CBO, in its mid-session review, is soon expected to increase, the Committee on Appropriations remains bound by artificially low allocations which prevent us even from keeping all of our agencies at their current services level and making funding important new initiatives virtually impossible. This is a time when we should take advantage of the economy and the surpluses to invest directly in our people and in our Nation through programs to narrow the growing income and opportunity gaps and strengthen the economy, not just hope investment will trickle down from tax cuts for the wealthiest Americans, which is I think a foolish way to look.

The chairman of our subcommittee has provided some increases for high priority law enforcement functions, but overall, the bill is not balanced. There are serious shortfalls in areas that are important to Members on both sides of the aisle. Even within the Justice Department, the emphasis is on prisons and detention, not the programs that protect Americans' civil rights or address crime or crime prevention at the local level. The same is true for the related agencies that protect civil and employment rights. The Commerce Department is virtually frozen without even the inflationary increases needed to maintain current services for its vital activities.

Mr. Chairman, let me mention only three problems with Commerce and related programs. Trade monitoring and enforcement will need more resources, not less, to assure compliance with the newly enacted Africa trade law and with China PNTR, even though supporters of both pledge muscular enforcement. The statistical activities that produce the data that underlie our economic decision-making have been declining under hard freezes for years, despite enormous changes in our economy, and we are approaching the point when basic data sets may become unreliable.

NOAA, with its critical work on weather, the health of our air and water, coasts and oceans and so much more, is cut $113 million below fiscal year 2000 and more than half a billion dollars below the 2001 request. This certainly leaves no money for Commerce's proposed initiatives, including two of particular importance to me: creating a pool of minority candidates for scientific and technical jobs at NOAA and NIST through minority-serving institutions, and bridging the widening digital divide between the haves and have-nots of the information age.

In the State Department, the funding for embassy security is certainly welcome and necessary. However, provisions fencing part of our U.N. dues pending a certification that cannot be made until well into the fiscal year, and holding our contributions to international peacekeeping at the current year's level will reduce our leverage for continuing reform at the U.N. and put us back in arrears to the U.N.

The funding shortfall for the Small Business Administration will affect our small businesses and, thus, our economy. The SBA's core programs are vital to small businesses, but providing $201 million below the request means an inadequate base for them to build upon. I am particularly concerned about the severe cuts in the request for microloan technical assistance and to the women's programs, as well as the lack of any funding for the new PRIME Technical Assistance Program.

The Legal Services Corporation, which won a final fiscal year appropriation of $305 million, has once again emerged from full committee with an appropriation of $141 million. For the last 5 years, floor amendments have increased LSC's appropriations to around $250 million. This year, I am offering an amendment to increase the Legal Services Corporation to $275 million.

□ 1430

I will explain the offsets for this increase when I bring up my amendment.

I will also be offering an amendment with the gentleman from Michigan (Mr. CONYERS) to increase funding for the Civil Rights Division of the Department of Justice. I believe that in such a good economy, it is outrageous not to address the discrimination that keeps some Americans from full participation in our society.

Mr. Chairman, like last year, I am hopeful that by the end of the process, we will have a bill we can all support. Although I have serious problems with H.R. 4690 in its present form, and as long as nothing happens on this floor to make it worse, I will not try to derail it, but will continue to work with the gentleman from Kentucky (Mr. ROGERS) for a better final product.

I hope that this is also the concern on the other side, because at this point this bill would be unacceptable to most Members of this caucus.

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

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the very distinguished and very effective chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in part to compliment him and congratulate him for having brought what is a fairly difficult bill to the floor in what I think will be a fairly bipartisan approach.

I also thank the gentleman from New York (Mr. SERRANO), the ranking minority member, who has been just a tremendous partner in this whole effort.

I would like to say that this is Thursday, and hopefully the agreement that the gentleman from Wisconsin (Mr. OBEY) and I are working on, along with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO), will allow us to complete consideration of this bill early enough tomorrow that Members can make their weekend plans.

I also want to compliment the Committee on Appropriations, the staff, and the Members of this House. This is

the eighth appropriations bill that the House will have sent down to the Senate for this fiscal year. That is in addition to the supplemental that we did earlier.

Eleven of our subcommittees have marked up their bills. The full committee has marked up 10 bills and has sent them to the House. The 11th bill will be marked up on Tuesday morning. That is the foreign operations bill. Next week we expect to have on the floor the agriculture bill, which is basically ready for floor consideration, and the energy and water bill, which we intend to have on the floor before next weekend.

Also, we fully anticipate having the conference report on the military construction bill ready for House consideration next week. So all in all, by the end of June, most of these appropriations bills will be through the House and down in the other body.

One bill, the District of Columbia, will not be, and basically that is because the District of Columbia has a different fiscal year than the Federal government. We have not yet received the budget request from the District of Columbia, so we are not able to have that bill ready by the end of next week.

The appropriations committee has done a good job moving the bills. The House has done a very good job moving the bills. I want to compliment all of the Members of the Committee on Appropriations for their excellent work.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just simply say, in response to the remarks of my good friend, the gentleman from Florida, I certainly expect that by the end of June the House will have all or almost all of the appropriations bills through the House, but frankly, I think that means almost nothing. I do not know of a baseball game in which we score a run by having 12 or 13 men standing on first base.

The way it works in government is passage of the House gets us to first base, passage of the Senate gets us to second base, passage of the conference report after we iron out agreements between the Senate and the House gets us to third base, and signature by the President gets us home.

Six of these bills that we have ground through day after day and night after night are stuck on first base. A few of them may get to second base. All six of those are not going to get home. They are not going to get a presidential signature until they begin to reflect reality.

The problem is, we have gone through a huge debate taking many, many hours, on bills that we all know are not real. We all know that, in the end, the majority party is not going to be able to provide $90 billion in tax cuts for those who make over $300,000 a year, they are not going to be able to provide $200 billion in inheritance tax cuts for the richest 400 families in this country because the President is not going to sign those bills.

When Members finally recognize that, then there will be enough room in these bills to deal with the education needs of the country, to deal with the health care needs of the country, to deal with the foreign policy needs of the country, to deal with the criminal justice needs of the country, to deal with the law enforcement problems of the country, and to eliminate some of the ludicrous shortages that we have here today in the antitrust budget, in the trade enforcement budget, and the like.

Mr. Chairman, I would simply say that, in a sense, I feel strange even taking the House's time, because these bills are going to be adjusted. Every time a bill comes to the floor we are told by the majority party, ''Do not worry, this is only the second step in the process. Somewhere along the line it is going to get fixed.''

What that means is somewhere along the line, somebody else is going to exercise their responsibilities. That is not much of a way to do business, in my view. But I guess since the bills are here we have no choice but to lay down clear markers about what we consider to be the shortcomings of those bills, as long as we are forced to go through this charade.

Eventually I would urge the gentleman to recognize, and I think the gentleman from Florida knows it, I would urge the House leadership to recognize that they can pass these bills in one of two ways. We can either pass these bills, as we just passed the previous appropriation bill, with a broad bipartisan coalition and pass these bills with a margin of three to four to one with a strong bipartisan chorus of support, or we can try to pass them on their side of the aisle with a few token votes on this side.

The majority has chosen to do the latter. That gets them to first base, it gets the bills out of the House, but it does not get them any further around the base paths. And until the leadership allows us to legislate rather than produce these ''let's pretend'' bills, we will continue to hear ''Well, we know these bills are inadequate, but we will do better in September.''

It would be much better if we did better now!

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I would just make this one point, that I think all of us who pay any attention to baseball understand that we cannot go from home plate to home plate. We have to go to first base first, and then we go to second, and then we go to third, and then we go home. We just cannot get there without passing first base.

Mr. OBEY. Taking back my time, I recognize that. But as the gentleman knows, these bills are all going to be vetoed, so they have not a prayer of getting home. The ball is never going to get out of the park on any of these bills.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), a very valued member of our subcommittee.

Mr. REGULA. Mr. Chairman, it is hard to hit a home run with 2 minutes.

Mr. Chairman, I rise in support of the fiscal year 2001 Commerce-State-Justice and Judiciary appropriations bill. I certainly commend the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO) for bringing to the House a bill which was crafted under very tight budget constraints that governs the appropriations bills this year.

The bill does continue most programs at current levels, and recognizes high priority areas. I especially would like to thank the chairman for continuing the important partnership that has developed between the National Oceanic and Atmospheric Administration in the Department of Commerce and the Jason Foundation for Education.

This unique partnership continues to make available important research data collected by NOAA to over 3 million students who currently participate in the Jason Project. The focus of the Jason Project is to excite and engage elementary and secondary students in the sciences, and to encourage them to continue their education in the field of science. We have a lot of emphasis on that now.

In addition to a yearly curriculum, students participate in annual, electronic, and interactive field trips led by preeminent explorer and scientist, Dr. Robert Ballard.

This year the electronic school bus took students to the NASA Space Center in Houston and NOAA's Aquarius Underwater Laboratory in the Florida Keys. Students studied research techniques and equipment that are used in researching the two extremes, outer space and under water.

One key to the success of the Jason Project is its teacher professional development program. This is a first-rate program which should be made available to as many students as possible. This is pioneering work in long-distance learning.

As we move through the process, I would also like to work with the chairman to find some additional funding for the United States trade ambassador to enhance efforts to ensure compliance with trade agreements. I think

this is of particular importance with the recent vote in the House to grant China permanent normal trade relations. We must be sure that China meets its commitments under the U.S.-China bilateral agreement to enter the World Trade Organization.

Mr. SERRANO. Mr. Chairman, as the representative from the Bronx, home of the world champion Yankees, and keeping in line with our baseball talk, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the star pitcher for the Democratic team.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member for yielding time to me.

For the very reasons that the ranking member, the gentleman from Wisconsin (Mr. OBEY) described in his statement, I have about ceased to come to the floor to debate appropriations bills because, especially at this stage in the process, we engage ourselves in a charade because we know this bill and many others are going to be vetoed.

Occasionally I pick up a bill and become so disappointed, indeed sometimes so outraged, that I just have to raise my voice. This is one of those occasions, because when we are dealing with Commerce, Justice, and the Judiciary, and matters of state, we do not have the excuse that many of my colleagues on the Republican side have when they are just beating up on poor people or trying to deny giveaways or welfare, or whatever their political or social agenda is.

This bill generally is about how we assure people who are trying to do right by the system that we give some presumptions to how we fund their programs and be of assistance to them in meeting their obligations in the democratic process.

So when I look at a bill that funds the Legal Services Corporation at a 50 percent cut or 60 percent below what the President of the United States has requested, I say, what are we saying to people? Should they take to the streets and try to get their rights redressed in the streets, or should they continue to have confidence in our legal process and go through the legal process? What obligations do we have as a Congress to encourage them to use the legal process?

When I look at no funds in this bill to help address the digital divide, I ask myself, what message are we sending to people who are not able to, because of their station in life, to take advantage of these E advances, this technology, this booming growth that we are taking advantage of as a Nation?

When I look at a bill and see that the Equal Opportunity Commission is cut by 10 percent when people are trying to get equal justice and equal access to jobs in a growing economy, I say, what message are we sending to the people of the country?

I could go on and on and on, because this bill is simply inadequate. We should reject it and quit participating in this charade.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), the only gentleman in the body that last year struck a home run in that infamous ballgame.

□ 1445

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky for those kind words and for yielding me this time.

Mr. Chairman, this is a very important bill. I think few people realize how important this appropriations bill actually is to security, peace, tranquility, justice in this country. It, pound for pound and dollar for dollar, may be the most important appropriations bill of all 13.

Over the last 2 years, we have had approximately 23 hearings each year. I have attended virtually all of those hearings, and I have to tell my colleagues I am so impressed with the leadership of the gentleman from Kentucky (Chairman ROGERS). No one in this body knows their business and their subject matter better than the gentleman from Kentucky (Chairman ROGERS).

If the term limits for subcommittee chairmen rule holds, and, frankly, I hope in certain cases it does not, if it does hold, this may be his last presentation of the Commerce, Justice, State and Judiciary mark. He deserves great credit. As he hosts those hearings and interrogates our witnesses on critical matters around the globe, he knows his issues so well.

Attorney General Reno, Secretary Albright, Secretary Daley, Louis Freeh of the FBI, we fund almost 300 embassies and consulates around the world. There are so many critical parts of this bill. He knows the ins and outs. He has steered us over these last 2 years through the difficult issues of the census and the U.N. arrearage issue, both of which we now have behind us, and he has done it remarkably well.

That is why the gentleman from New York (Mr. SERRANO), our ranking member, speaks with such respect about the gentleman from Kentucky (Mr. ROGERS). I thank him for being sensitive to the little issues as well.

It is no longer a little issue, as the gentleman from Iowa (Mr. LATHAM) and I both know very well, the issue of methamphetamine production in rural America, where in east Tennessee we have got a bad, bad problem, and kids are dying and lives are being destroyed. This bill funds the remedy for fighting methamphetamine production, and it is so critical.

It is a balanced bill. We do not have as much money as we would like. But I will tell my colleagues this is a very responsible prioritization of resources within the limits that we face.

Today I come to the floor hoping that this is not the last subcommittee mark of the gentleman from Kentucky (Mr. ROGERS) that goes through the full committee and through the House for the first time but hope, in fact, that he can stay. But if, in fact, this is his last mark, I thank the gentleman from Kentucky for his leadership, I thank him for all that he does for the United States of America. A job well done.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), one of those few States with two baseball teams.

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong opposition to this bill for several reasons. First of all, it cuts the request by the Department of Justice for its civil rights division by $11.8 million. It cuts the Equal Employment Opportunity Commission by $31 million. This bill cuts the Department of Justice's community relations service by $2.35 million. It cuts the Civil Rights Commission by $2.1 million.

Finally, I cannot support this bill because it seriously cuts the Legal Services Corporation to a level that will effectively shut down basic legal services for the poorest and most vulnerable members of our society who are seeking justice.

When we are serious about improving race relations, relationships between law enforcement and communities, when we are serious about reducing racial profiling on our streets and roadways, in our airports and in our courtrooms, when we are serious about the real pursuit of justice for all of America, we will vote down this bill and restore the resources necessary so that everybody will have an opportunity to bridge the gaps between those who have and those who have not.

Mr. Chairman, I urge that we vote against this bill so that we can, in fact, ultimately move towards justice for all.

Mr. ROGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I hope the Members will realize that when Members come here and speak at talking about cuts that they recognize that the speaker, for the most part, is talking about cutting from the amount requested of the Congress and not from the current levels of spending.

For the most part in this bill, as I have said, we maintain agencies at least their current levels. The Legal Services Corporation is an exception to that. But most of the other agencies are either increased or kept at their current levels. Very few, if any, besides Legal Services, are actually cut in this bill from current levels.

Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM), one of the hardest working Members of our subcommittee, who all the while is concerned with the interests of his district at home especially.

Mr. LATHAM. Mr. Chairman, I rise today in strong support of the Commerce, Justice, State bill, the appropriations bill for fiscal year 2001, as this bill addresses so many of the priorities that are very, very important to all Americans. This bill covers, I think, the broadest jurisdiction of an appropriations bill that we will address this year.

I would like to join my colleagues in congratulating the gentleman from Kentucky (Mr. ROGERS), our great chairman, for the tremendous job that he has done the last 4 years that I have been on this subcommittee and how sensitive and responsive he is and his staff are to my concerns and the concerns of the people in the district, and, also, the gentleman from New York (Mr. SERRANO) who started in this subcommittee this Congress and has learned very, very quickly and is really a tremendous asset, and we thank him and his staff for all their hard work.

We have real problems in my part of the country, and the gentleman from Tennessee (Mr. WAMP) referred to it also as far as the meth problem. This bill really addresses what is an epidemic from the Upper Midwest with the methamphetamines that are coming in basically from the Mexican cartels, through California, up through the borders and is having such a dramatic effect on Iowans and especially our young people today.

In 1999, the DEA seized 400 meth labs in the State of Iowa. The Iowa Department of Public Safety seized an additional 500 meth labs. What people should keep in mind is that this is about 10 percent of the amount of meth that is coming into the district and into the State. This is why we have to focus on these problems, and this bill does this.

There are $523 million for local law enforcement block grants, $552 million for the Byrne, local law enforcement assistance grant program. The Community Oriented Policing Services is funded at $595 million, including $45 million which is targeted in places like Sioux City, Iowa with the Tri-State Drug Task Force that is doing such an outstanding job today on this problem that we are experiencing.

In Iowa, as well as the rest of the country, we are experiencing real problems that I am sure this will be discussed a great deal with the INS, the fact that, last year or the last 5 years, they have released 35,000 criminal aliens into the general population. This is absolutely outrageous. People convicted of crimes, aliens of this country, and they are released into our population. The failure to bring integrity into the system as far as naturalization and the benefits process that we have throughout the country. The problem that we have as far as pending applications in the past year has increased from $2.1 million to $2.7 million.

We have an INS that simply cannot handle the responsibilities. We are, in fact, putting more and more money into this agency to try and solve these problems. But many of us believe that it is systemic in the agency itself and question, quite honestly, the competency of the leadership in that agency. But we are doing everything possible to make our immigration services work as they should.

It certainly is not a case of enough dollars going into it, as those budgets have been dramatically increased, at least in the 4 years that I have been on the subcommittee.

Just in closing, I would again express my strong support for this bill to thank, again, the chairman and his staff for the tremendous job and the responsiveness and the sensitivity to the issues that are before us.

I think it is an excellent bill. It can, maybe, be made even better later on. But certainly, under the restrictions we have, we are doing an outstanding job.

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

Mr. Chairman, I just want to address some of the comments that the gentleman from Kentucky (Chairman ROGERS) said. He made some comments about folks coming to the floor and saying that there were cuts, and he referred to them not as cuts, but, rather, turning down the full request that the administration has made. He is correct on that.

There are many parts of this bill where the amount the administration has asked for has been rejected, has not been adhered to. But we need to understand that those requests come about because there is a need, a growing need in some of these programs. There are services that have to be rendered. There are inflationary issues that have to be dealt with. So in fact, it is a cut when one says that one will not abide by the request.

Secondly, there are parts of this bill, and the glaring one is the Legal Services Corporation, where, indeed, it is a cut from current year funding. I mean, that is clear. So while I respect the use of words by the gentleman from Kentucky, I think that some Members on this side think their use of the word cut and cuts are not improper because that is, in fact, what they are.

Mr. ROGERS. Mr. Chairman, will the gentleman yield briefly on that point?

Mr. SERRANO. Certainly, I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, if I recollect correctly, the President's budget request was brought to the floor and voted on. Is it not correct that the House rejected the President's request by some 430 to 2. I ask the gentleman, what was the correct figure?

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

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the assertion of the gentleman from Kentucky is not correct. The President's budget was not brought to the floor. The majority's interpretation of what the President's budget was was brought to the floor, and that interpretation was disowned by the White House as well as those of us on this side of the aisle. My colleagues were essentially bringing a false product to the floor and asking us to assume it as our own, and we were not dumb enough to do it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the gentleman from Kentucky (Mr. ROGERS) fully understands not only what the gentleman from Wisconsin (Mr. OBEY) says is correct, but also the fact that we did respond or did not respond to the administration's requests as we knew them to be, not as any other interpretation. Both our staffers had correct numbers and we had a choice to accept it or not accept it.

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

Mr. ROGERS. Mr. Chairman, may I inquire of the time remaining in general debate.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) has 7½ minutes remaining. The gentleman from New York (Mr. SERRANO) has 12 minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), a very hard-working member of the committee and the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Agencies of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Kentucky for yielding me this time.

Mr. Chairman, I rise today, I guess, to a point of inquiry to both the gentleman from Kentucky (Chairman ROGERS), who has such vast knowledge of our judicial system, and to the gentleman from New York (Mr. SERRANO), his counterpart, who also has this same type of knowledge, to engage in a colloquy, a conversation about something I think is a very serious problem.

We have been hearing a lot of talk in the last couple of months about the breakup of Microsoft. But there is another serious problem that I think the Justice Department ought to look into, and that is a company by the name of Krispy Kreme who manufactures and bakes daily doughnuts.

Krispy Kreme readily admits on their advertising that they are the world's finest doughnuts, the same as Bill Gates talked about his computers. They are the world's largest selling doughnut, which proves my point that they have a monopoly on doughnuts, because they have developed the most delectable, delicious possibility of confection capabilities known to mankind. As a result, there is no doubt about it that they have a monopoly.

I think and I want my colleagues' help and their assistance in trying to convince Janet Reno to, maybe, bust this company up.

□ 1500

I think maybe we ought to look at the possibility of breaking it up to a glazed division, because we also have to understand, and those of my colleagues who have ever had one of these Krispy Kreme donuts will agree, that they are the most delicious things certainly I have ever tasted. They melt in your mouth. Most donuts, when we put them in our mouths, they expand, but Krispy Kreme melts in your mouth.

In addition to that, they have signs in front of all their bakeries that say ''hot,'' and it is almost mesmerizing to people to drive by a Krispy Kreme and see that sign that says ''hot.'' One is almost compelled to move in there.

I think it is time for the Justice Department to look into this and to see if the same situation does not exist that existed with Microsoft, to possibly splitting this company up into several divisions. Anyone who has ever eaten one of their chocolate donuts, they are the most delicious donuts you have ever tasted. But why should one company have the best donuts and the other companies not have an opportunity to compete fairly with them on an open-ended basis?

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

Mr. CALLAHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I do not want to punch a hole in the gentleman's argument.

Mr. CALLAHAN. Well, Mr. Chairman, let me just reclaim my time back to tell the gentleman that Krispy Kreme is now even selling the holes out of the center of the donuts.

Mr. ROGERS. Well, Mr. Chairman, if the gentleman will continue to yield, I can tell that he is an expert on this subject, and I wonder if there is a way that we could somehow taste the fruit of his labors and test whether or not there ought to be a suit brought.

Mr. CALLAHAN. Mr. Chairman, I think I could arrange for that. Because they are so inexpensive, I will be happy to provide donuts for the entire House, both sides of the aisle, so they can taste the delectability of these products that this company is making, that no doubt has given them this monopolistic situation that exists here in the United States.

Mr. ROGERS. If the gentleman will further yield, I want to compliment the gentleman for bringing this very serious matter to the attention of the Congress and the country; and I know that the Justice Department, when they learn of the monopoly that the Krispy Kreme glazed donuts have on this country, they will want to take appropriate action even as they have on other cases, and I commend the gentleman.

Mr. CALLAHAN. Mr. Chairman, we might also look at the EPA and get them involved, because any time a person drives by one of these bakeries and they sense this aroma of these fresh, hot donuts, they are almost compelled to turn their automobile into that store and buy donuts.

And another thing, too. We have to look at the good will. I know all of my colleagues witnessed the jubilation that was expressed by the lawyers of the Justice Department, when they were kissing and hugging each other, with their little bow ties on, after they won the case against Microsoft. They need some more reason to celebrate.

Ms. SANCHEZ. Mr. Chairman, I'd like to begin by thanking the members of the Appropriations Committee for their consistent support of SCAAP, The State Criminal Alien Assistance Program.

The Committee's efforts to expedite delivery of this important assistance to state and local governments is especially important to states like California, which have a large number of undocumented immigrants.

As many of my colleagues know, this program reimburses state and local governments for the costs associated with their incarceration of undocumented criminal aliens.

Since securing our nation's border is a federal responsibility, it seems only appropriate for the federal government to pay states for the costs they must expend.

It is estimated that these costs, in the 1999 fiscal year, totaled over $576 million for the State of California.

While I'm appreciative that the Committee recommended $585 million for the 2001 fiscal year, I am hopeful that as the appropriations process continues, Congress can work to increase funding to the authorization cap of $650 million.

Another important program that is currently underfunded in the CJS Appropriations Bills is the COPS program, which helps law enforcement work with communities to keep our families safe.

In my district in Orange County, the COPS program has put 313 officers on the street.

Both SCAAP and COPS are very important programs that I feel are underfunded in this Appropriations bill.

These, however, are not the only programs that receive inadequate funding: the Legal Services Corporation, the Equal Employment Opportunity Commission, and the Commission on Civil Rights can also be added to the list of underfunded programs in this bill.

I hope that all members of Congress can work together to ensure that these, and other important programs in the bill, receive adequate funding in the 2001 fiscal year.

Mr. BISHOP. Mr. Chairman, while I believe this bill is deficient for a number of reasons, I want to specifically focus on what I consider to be a woefully inadequate level of funding for the Community Oriented Policing Services (COPS) program.

At a time when the country is gaining the upper hand in our long-fought war against crime, the bill we are considering slashes the Administration's request for COPS funding by more than half, eliminating all funding for community prosecutors, reducing funding to help provide police with updated technology, and failing to provide any increase for community-based crime prevent programs.

This is hardly a step forward. In fact, it is a step backward.

The fact is, the COPS program works.

I have seen the impact it has had in the area of middle and southwest Georgia that I have the privilege of representing, where COPS grants have provided communities $12.5 million to help employ 258 additional police officers. Predictably, the result of putting more police on the streets has been more arrests and less crime.

If you ask why the country's crime rate has dramatically declined over the past few years, just ask our police officers and prosecutors and others on the front lines of the war against crime. They will tell you that a number of factors have contributed. But they will also tell you that the ''COPS'' program has been one of the biggest factors of all. So far, ''COPS'' grants have put 60,000 more police officers on community streets, and there is enough funding in the pipeline to reach 100,000 over the next couple of years. And if adequate funding is provided, we can still reach out goal of adding 150,000 officers by 2005.

While the crime rate is dropping, we should be aware of the fact that our criminal justice system has many unmet needs. At the same time, there are signs that the crime rate may be bottoming out, particularly among young people. It is a mistake to think we have already won the war against crime. If the country lets its guard down, there is every reason to believe the crime rate could begin to rise again.

Mr. Chairman, I urge our colleagues to reject a level of COPS funding that fails to meet the needs of the law enforcement community and, instead, to enact a level that will enable our police agencies and court system to continue gaining ground against the forces of crime, which cause so much human suffering and economic damage in Georgia and throughout the country at-large.

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

Mr. ROGERS. 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. 4690

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 fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

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

Mr. Chairman, I hope we can minimize debate on a lot of amendments, and so I would like to get something off my chest early in the process so I do not have to keep popping up and down and offering a dozen amendments to do that.

We are at a watershed time in the history of this country. Internationally, our adversary, the Soviet Union, is gone. The Cold War is over. Their conventional military capability has collapsed, and we are facing a new paradigm.

In the last century, over 600,000 Americans were killed in combat defending democracy. We fought two world wars and a lot of other big wars. Today, we have a new role. Today, conflicts are likely to be more regionalized, and our job will be to contain those conflicts. And our job often will be to serve as peacekeepers and peacemakers rather than warmakers.

That is not going to be neat. It is going to be messy. Some Americans will die. But if we do it right, and if the executive and legislative branches of government cooperate, and if we cooperate with our allies, the price that America winds up paying for participation in world affairs will be far less than the price that we paid in the last century. In my view, this bill gets in the way of that.

This bill pretends, for instance, that an appropriations subcommittee can arbitrarily dictate what peacekeeping operations are voted by the Security Council of the United Nations and what peacekeeping operations the United States will support. Now, I do not agree with every peacekeeping operation that has been undertaken, but Congress cannot micromanage those questions. They can participate and they can help with consultation, but they cannot micromanage those without being destructive of our national interest.

Domestically, we similarly face a new paradigm. Since 1981, and the first Reagan budget, we have had 18 years of triple digit deficits; and at the same time, the gap between the wealthiest 2 percent of people and everybody else in this society has exploded. Now we have a new situation. We have huge new surpluses instead of huge deficits. This is a precious moment when, with enough vision, we can repair the seams that have held this society together for over 200 years. We can prepare for a new sustained period of economic growth and prosperity, and we dare not screw it up.

I would ask the question: With the wealthiest 1 percent of persons in this society already controlling more assets than 90 percent of all Americans combined, will we insist, really, that we are going to provide huge additional tax cuts for those folks; or will we decide, instead, to have better targeted and more disciplined tax cuts so that we have enough left to meet the basic needs of all of our people, including some of those who have been left behind in the area of health care, in the area of prescription drugs, in the area of housing? And are we going to make the needed investments that we need to make in science and in education to make this economy the wonderful arena for opportunity that it can be?

We have a third new paradigm in that new economy. We have had an incredible transformation in the way this economy works. The market capitalization of all publicly held corporations has grown in a handful of years from $4 trillion to almost $14 trillion. And in that process the power of some private companies to totally dominate the economy and crush competitor and consumer alike has grown to a proportion we have never yet seen. And whether the issue is gas prices, or whether the issue is in other fields, the question is whether or not consumers are going to be allowed to have the niceties of a competitive market or not.

Now, government has an obligation most of all to know what is happening in this economy. We need to know its true size. We need to know what is really happening with price changes.

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. OBEY. We need to know what is happening with production changes. And the effect that this bill has on our ability to know all of that is decimated because we are cutting the budgets of the agencies that do the statistical analysis to tell us what is really happening. Just one question for example: How do we really tell the price of a product when the nature of that product is being changed every 3 months, as computers are, for instance?

The second thing I would like to say is that the fundamental right of any business in an economy is a free marketplace. That is as important to each and every business as the Bill of Rights is to every individual in this country. And yet at the very time that this economy is creating tremendous opportunities, it is also creating tremendous possibilities for anti-competitive practices to go unpunished and unregulated in the marketplace. And this bill makes that problem worse because it cuts the funds that are needed to police the anti-competitive practices of many of those corporations, including, just for one example, the oil companies, which are the subject of so much suspicion today.

We have one more challenge; that is the challenge of globalization. How do we compete with countries with different cultures, different economies, and a different understanding about what the rules of the game ought to be? When we do something like pass the China trade bill, as we passed last week, we have an obligation to provide the resources to enforce the rules that we say we are going to hold other nations to, and this bill cuts back on that effort as well.

This time is not a time of crisis. It is a time of unparalleled opportunity, if we use our surpluses the right way. If we can restrain the impulse to give tax cuts away to everyone in this society, including those who need it the least, and focus those tax cuts, instead, on those who need it the most, we can have room in the budget to strengthen Social Security, to fill in the gaps in health care, we can strengthen public education, we can assure a competitive marketplace, and we can create a sense of shared prosperity and create a new generation of progress which will stand with us for years to come.

The problem with this bill is that it, along with five or six others that we have passed so far, denies us the opportunity to use this precious moment to do what is necessary to knit this country together again in a united fashion for the entire coming generation. That is the failure of this bill, and we will outline those failures as we go through section to section, but that is the failure that has to be corrected before we will support this or any other major appropriation bill.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Kentucky, the chairman of the subcommittee.

I would like to address the gentleman about a problem that I have been working on. It is a real threat to our families today. I have been working to find a way to ensure the enforcement of Federal statutes for the prosecution of illegal pornography.

With the advent of the Internet, material that is illegal under both State and Federal statutes has been allowed to continue to grow unchecked as the Department of Justice has looked the other way, and now is the time for Congress to act on this most important issue.

Adult entertainment sites on the Internet account for the third largest sector of sales in cyberspace, with an estimated $1 billion to $2 billion per year in revenue. Given the aggressive

marketing techniques of the adult entertainment industry, it should be no surprise that a recent study of children ages 10 to 17 revealed that one in five of our children have been solicited for sex over the Internet in the last year. And the average age of children continues to decline, of those that are exposed, or have their initial exposure to pornography. It is now down to 11 years old.

Mr. Chairman, I would ask the gentleman from Kentucky to commit with me to work to ensure funding for the prosecution of illegal pornography under Federal statutes by the Child Exploitation and Obscenity Division of the Department of Justice.

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

Mr. LARGENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising this very important issue, and one that we all recognize is a growing problem.

□ 1515

I will be happy to work with him to ensure that sufficient funding is given to the Child Exploitation and Obscenity Program within the Department of Justice.

Mr. LARGENT. Mr. Chairman, reclaiming my time, I thank the chairman and would remind all of my colleagues that mothers and fathers across this country will be watching our actions and the actions of the Department of Justice on this very important issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $84,177,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2000: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $1,800,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), including the cost for operation and maintenance of Land Mobile Radio legacy systems, $177,445,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

Page 3, line 20, after the dollar amount, insert the following: ''(decreased by $82,000,000)''.

Page 13, line 14, after the dollar amount, insert the following: ''(decreased by $23,000,000)''.

Page 23, line 2, after the dollar amount, insert the following: ''(decreased by $45,000,000)''.

Page 71, line 1, after the dollar amount, insert the following: ''(decreased by $10,000,000)''.

Page 92, line 9, after the dollar amount, insert the following: ''(increased by $134,000,000)''.

Page 92, line 10, after the dollar amount, insert the following: ''(increased by $130,425,000)''.

Page 92, line 11, after the dollar amount, insert the following: ''(increased by $975,000)''.

Page 92, line 14, after the dollar amount, insert the following: ''(increased by $2,600,000)''.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SERRANO. Mr. Chairman, here we go again. For the sixth year in a row, the FY 2001 Commerce-Justice bill includes only $141 million for the Legal Services Corporation. This is $164 million below the fiscal year 2000 appropriation of $305 million and $199 million below the President's fiscal year 2001 request of $340 million.

When it was first presented to the House in fiscal year 1996, $141 million represented one-third of the prior year's level. But it has since become a meaningless number.

For each of the past 5 years, a floor amendment offered by the ranking member of the subcommittee and supported by a bipartisan majority has raised the funding level for the LSC to about $250 million by shifting funds within the bill. Action by the Senate and in conference has typically resulted in a more realistic, but still meager, final appropriation.

However, as funding allocations for the bill have gotten increasingly tight, it has become much harder to find accounts to cut as offsets for the add-back for LSC. And by now, the $250 million level that the House has typically adopted is far short of the amount needed to provide needed legal assistance to the country's poor and disadvantaged.

It baffles me that some of our colleagues object to a Nixon-era entity, the role of which is to assure that low-income Americans have access to the civil justice system, surely a basic human and constitutional right, and which raises substantial non-Federal resources and promotes pro bono service by private lawyers to increase legal assistance to the poor.

It was one thing to identify problems with LSC that certainly existed, but these problems have for the most part been fixed.

In fiscal year 1996, for example, Congress enacted reforms requiring competitive bidding for all grants and accounts and imposing restrictions on the kinds of cases LSC grantees may engage in. Grantees remain prohibited from abortion, redistricting, or class-action litigation, from representing prisoners or undocumented immigrants, from welfare reform advocacy, and from any sort of lobbying.

The cases LSC does work on include domestic violence, child abuse and neglect, as well as child custody and visitation, foreclosures and evictions, access to health care, bankruptcy, wage, unemployment and disability claims, consumer fraud, and similar problems faced by low-income individuals and families.

During 1999, LSC closed more than 924,000 such cases, the overwhelming majority concerning women and children. That 924,000 figure shows how LSC responded to a problem by moving to correct it. LSC guidance on the definition of a ''case'' for purposes of case service reports, CSR, has become out of date and unclear, which led some grantees to report as cases activities that were not.

LSC responded by providing new instructions guidance, training, requiring grantees to self-inspect their CSR data, increasing oversight to test grantee compliance, and following up where grantees need to take corrective action.

Based on what LSC learned during this process, they were able to adjust the million-plus cases reported in 1999 by the estimated 11 percent error rate to arrive at the more accurate figure.

Anyway, Mr. Chairman, this year I am offering an amendment to increase LSC funding by $134 million, from $141 to $275 million. This increase would be offset by cutting $82 million from Narrowband Communications, which would otherwise receive a nearly 75 percent increase; $23 million from the Assets Forfeiture Fund, which was one of my offsets last year; $10 million

from the Diplomatic and Consular Programs account of the State Department, an account of $2.7 billion; and $45 million from the Salaries and Expenses Account of the Bureau of Prisons, which is re-estimating the amount of funding that it will likely carry over into fiscal year 2001.

Let me just say that, as with last year, I am not wedded to these offsets and expect these and other accounts will be adjusted as we proceed to conference.

The House has repeatedly rejected $141 million as insufficient for the important work the Legal Services Corporation does. I urge my colleagues to do so again by voting for this amendment.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join as the second sponsor of this answer to prevent the devastating 54-percent cut in Legal Services Corporation funding.

Mr. Chairman, every Member of the House before voting on this Draconian 54-percent cut in Legal Services should walk across the way and read the words etched on the Supreme Court of the United States. They say, ''Equal Justice Under Law.'' Because if this amendment is defeated, there will be no equal justice in America. Our poorest people, our most vulnerable people, will be shut out of the courts if we wipe out Legal Services.

Congress has already cut Legal Services 30 percent since 1995. If we enact this cut on top of that, thousands and thousands of domestic violence victims, neglected children, vulnerable senior citizens, and people with disabilities would have absolutely no access to civil justice.

As a sponsor of this amendment, Mr. Chairman, I had hoped to restore Legal Services funding to the same level funding as this fiscal year. Unfortunately, as the gentleman from New York (Mr. SERRANO) explained, we were only able to find offsets to bring the funding up to $275 million, which is $30 million less than current funding and $65 million less than the request.

So even if we pass this amendment today to restore partial funding, we are still experiencing a real cut, a reduction of 11 percent over this year's funding.

Last year, critics of Legal Services were down here on the floor, and I am sure we are going to hear the same songs sung out of the same hymn book today, arguing that Legal Services should be cut because some local programs were confused about the proper method of case reporting. Remember the arguments?

Well, my colleagues, that problem has been fixed. That problem has been resolved. Legal Services has educated the local programs about the proper method of reporting cases, and it as is vigorously ensuring there is accuracy and consistency in reporting. So there is no more problem in reporting cases.

Also, it is time to set the record straight about the misleading, outdated charges by Legal Services critics, and I am here sure we are going to hear more of that here today, who ignore the fact that the Legal Services Corporation was already reformed by Congress in 1996.

Remember in 1996, those of my colleagues who were here, we enacted tight restrictions on Legal Services. So there are no class action suits anymore, no lobbying, no legal assistance to illegal aliens, no political activity, no prisoner litigation, no redistricting representation, no collection of attorney's fees, and no representation of people evicted from public housing due to drugs. Although I am sure we are going to hear critics complaining about Legal Services attorneys bringing those cases, it does not happen.

I hope we have an honest debate on the merits today of Legal Services. Those restrictions, Mr. Chairman, are in permanent law and are restated once again in this bill. And these tight restrictions are not limited just to Legal Services Corporation funds. Legal aid programs cannot even use State or private funding on these purposes if they receive just one penny from the Legal Services Corporation.

So there is no argument about a fungibility any longer. If they violate these restrictions, in fact, attorneys can be disbarred and programs lose their LSC funding and their ability to apply for funding in the future. So I think we have taken care of those extracurricular activities that we limited back in 1996.

Some critics also continue to point to a few isolated cases that appear to be abusive, and may have been in the past, but in these cases the facts show that no LSC program was generally involved or the LSC is enforcing sanctions against the abuses. But even if those alleged abuses are true, and we are going to hear about that again today, these are only a mere handful of aberrations in a program with countless success stories of service to people who need access to civil justice, domestic violence victims, children in need of support, and seniors, people with disabilities in danger of losing services that they need just to survive.

Now, in my home State of Minnesota, I am thankful support for legal aid by the Bar Association, the State Bar, the general public, and the legislature is strong. But even in Minnesota, local programs last year had to turn away 20,000 people because of the scarce resources and another 58,000 did not even file a claim, did not even pursue their case because there are not enough resources.

So we all know what is going on in this country. There are not enough resources at the current level of funding to help people and to make those words on the Supreme Court meaningful, ''Equal Justice Under Law.''

So, Mr. Chairman, let us not shut the courthouse door to poor people in America. Let us give the most vulnerable Americans their day in court like every other American.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to acknowledge the fine work of both the subcommittee chair, the gentleman from Kentucky (Mr. ROGERS), and the ranking member, the gentleman from New York (Mr. SERRANO).

At the same time, I, too, want to express my disappointment to have to participate once again in what has become an annual ritual in which the Committee on Appropriations slashes funding for Legal Services and the House restores it.

While I regret the necessity for this amendment, its passage is absolutely critical; and I am proud once again to join with the ranking member and the gentleman from Minnesota in offering it.

Last year, LSC provided support to 237 local Legal Services programs serving every county and congressional district in America. Ninety-seven percent of the funds we appropriated went directly to local programs. This appropriation is truly a lifeline for hundreds of thousands of people with no other means of access to the legal system.

Last year alone, Legal Services closed nearly one million cases brought on behalf of some two million individuals.

Now, who are these people? Over two-thirds are women, and most mothers with children, women seeking protection against abuse of spouses, children living in poverty and neglect, elderly people threatened with eviction or victimized by consumer fraud, veterans denied benefits, and small farmers in America facing foreclosure.

Let me tell my colleagues about one recent case in my own congressional district. A woman, whom I will call Pauline, was married to a man I will call Frank. Frank, on a regular basis, brutalized Pauline in front of their two children. After repeated exposure to this behavior, the children became fearful and disruptive in the schoolhouse.

Eventually, after one particularly brutal beating, Pauline sought help from Legal Services for Cape Cod and the islands. They helped her get a divorce and a permanent abuse prevention order. Since then she has managed to put her life back together, and now the children are excelling in school and their behavior problems have ceased.

□ 1530

These are the kinds of people who will be hurt if this amendment is not

adopted today. If LSC is forced to absorb the huge cuts made in committee, over 200 of the 925 neighborhood Legal Services offices will have to be closed. This will leave one Legal Services lawyer to service every 23,600 poor and disadvantaged Americans. Over 250,000 families in need of legal services will have to be turned away. Nevertheless, as the gentleman from Minnesota suggested, we will hear from some critics of LSC that we should cut the funding for the program. Why? Because a few local grant recipients overstated the number of cases they handled back in 1997, chiefly by reporting telephone referrals as cases. Never mind the fact that the agency itself uncovered the problem, the agency itself brought it to the attention of the Congress, and the agency itself moved speedily to correct it. Never mind the fact that despite the cries of fraud and abuse, neither LSC nor its affiliates derive any financial gain from erroneous reports because case numbers have no bearing on the program's funding goals. Allocations are based on eligible population living in each service area, not on the numbers of cases handled or even referred. This has been pointed out, yet repeatedly the allegations continue to be made.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. DELAHUNT) has expired.

(By unanimous consent, Mr. DELAHUNT was allowed to proceed for 1 additional minute.)

Mr. DELAHUNT. Mr. Chairman, there is a wonderful irony in those figures, because those who criticize LSC for counting referrals as cases fail to appreciate that referrals are what an agency does for the thousands of needy people whom it is unable to help. And even without the proposed cuts, referrals must be made in many thousands of cases because current funding needs meet only the needs of 20 percent of those who are eligible. Let me suggest that that is unconscionable. When we speak of justice for all, remember that we are denying it to oh so many in this country.

I urge my colleagues to support this amendment. It is a crucially important vote. It is the right thing to do.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many Members will remember that last year, those of us who are interested in this particular issue and I, notwithstanding some tremendous reservation that I had, supported and voted for and spoke on behalf of the amendment to increase last year's budget for Legal Services. I did so even though I knew there was a cloud, a gigantic cloud, over the Legal Services arena by reason of rumor and factual information based on rumor and then facts, rumors and all of that put together in statistical reports that there was a tremendous overreporting of cases rampant throughout the system.

I did so, and I stated, I am going to give the Legal Services the benefit of the doubt. I am going to vote for the increase in the funding notwithstanding these doubts, because if an increase is based, as all the time we see on the floor it is based when we are asking for increases on increased workload, then it is not justified at all. But I was still willing to give the Legal Services the benefit of the doubt and voted in support of that increase.

Then my committee, which has jurisdiction over this subject matter, conducted hearings. We found indeed that that overreporting, which was only rumor, that overreporting which people scoffed at as being clerical error, was indeed the fact and that we had to deal with it. We were buttressed by information that was presented to us at that hearing by the statistics gathered by the IG within the Legal Services Corporation which found, and I am quoting from the chart here, overstated cases in the thousands. In cases where there were actual files but no services actually rendered, 30,053 cases. What does that mean? It means that in 30,000 cases, no services were rendered and overreporting.

Those who say that these statistics do not matter are blind to the fact that an increase in funding is supposed to systematically go for the increased workload. So either they were overfunded last time or they are properly funded this time. That is why I have to oppose the amendment and to fulfill my pledge in front of the committee when I stated that I was not going to support an increase in the funding this year but to remain steadfast and support the recommendation of the committee for the level of funding.

I must say, in addition to this, for all those who would doubt it, I am a supporter of Legal Services. From the very beginning, from a year in service where in Pennsylvania it was unheard of and became a product of State justice for Pennsylvania to undergo a Legal Services program, I was in on the ground floor of that movement and I support it today. The only differences I have had over the years is the methodology of providing those legal services to the poor. No one is going to be able to with any veracity claim that I am an opponent of Legal Services, and that is why it becomes important for me to note that I did support the effort last year on the extra funding. I do not this year, for the same rationale, my deep interest in making the Legal Services work and to have the confidence of the taxpayer and to have the confidence of the people who must make use of it.

I urge the defeat of the amendment.

Mr. HOEFFEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Serrano-Ramstad-Delahunt amendment that would restore some of the proposed cut in the Legal Services Corporation budget that the committee has brought to the floor. The Serrano amendment is desperately needed and we must pass this amendment. I am proud to stand with them in this regard.

I listened carefully to the remarks of my colleague from Pennsylvania, the previous speaker, with whom I served for several years in the Pennsylvania House and for whom I have the highest regard. I would respectfully suggest to the gentleman from Pennsylvania that the issue is not the question of phantom caseloads or of problems from 1997 or 1995 or any other year. The problem is what will these cuts do to Legal Services in 2001? What will be the impact in our communities if we cut Federal support for Legal Services by over 50 percent? I would suggest to the gentleman and to the Members of the House that the impact will be dramatic.

Let me talk a little about Legal Services in Montgomery County, Pennsylvania, where I come from. The Montgomery County Legal Aid Society has already had its Federal support cut from a high of $300,000 per year to $200,000 a year. If this proposed cut goes through, they will be cut again to $100,000 a year. Their caseload in the past has been as high as 2,000 cases a year; but that has been reduced by 250 or 300 cases because of the cuts from 1995 they have already had to absorb in Federal support. If this cut goes through, they will have to reduce their caseload another 250 or 300 cases a year.

Now, this is a county that is actually pretty fortunate, because it is in a State, Pennsylvania, that has increased support for legal aid. While the Federal support in Montgomery County is $200,000 a year, the State support is another $200,000 a year; and Montgomery County government provides $300,000 a year to the Montgomery County Legal Aid Society. Private lawyers and the county bar association provide another $100,000. We are better off than many counties that have a lower level of local resources available to support such a necessary program.

But the problem is that when this Federal support is reduced, the impact is not on phantom cases. We are not sending a message to bureaucrats. We are not reading the riot act to the people that run Legal Services Corporation in Washington. We are reducing services to people in Montgomery County, Pennsylvania, and across this Nation. Most of these people that will lose services will be women. Two-thirds of the clients of Legal Services are women, poor women, working poor women. These are women that need help with protection from abuse cases. These are women that need help in consumer fraud cases. These are women

that need help with financial problems, women that need help with foreclosures, women that need legal services. This cut will deny in my county another 250 or 300 cases from being represented for poor people and the working poor in my county.

We have a principle in this country of equal justice for all. To make that principle come true, we have to give equal access to the courts for all. The bill attacks that principle. This amendment would correct that problem and would provide adequate funding for legal services.

I support the Serrano amendment and urge the House to do the same.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment to restore funding for the Legal Services Corporation. Justice for some is no justice at all. As my colleagues may recall, the Legal Services Corporation was created in 1974 to provide financial support for legal assistance in civil proceedings to persons unable to afford legal services. Legal services for people who cannot afford it.

The Legal Services Corporation is the Government's vital and often only link between our disadvantaged constituents and meaningful access to the courts and our legal system. Too many in our Nation lack real access to our justice system. Access to the justice system and righting a wrong should not be a privilege of the wealthy but instead a right for all.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, I am among the first to go after fraud and abuse. However, we must remember that it is also our job to correct the mismanagements within government programs to ensure that these programs continue to fulfill their obligation.

A number of years ago, yes, there were problems with the Legal Services. But with Congress' help, the Committee on the Judiciary adopted a number of significant restrictions and restructuring; and in fact now the Legal Services Corporation has become an institution that the Congress, Republicans and Democrats, can be proud of. We must continue to invest in this important program that continues to fulfill the American principle of equal justice under the law.

I welcome this opportunity to highlight a few of the examples of how the Legal Services Corporation has benefited my district in Michigan. The Legal Aid Bureau of Southwest Michigan helped a mother of three keep her home and avoid eviction after a corrupt landlord alleged nonpayment of rent. In fact, the family's rent was paid up to date. However, the landlord applied the rent to the cost of water repairs that were actually his fault, not the family's. Through the assistance of the Legal Aid Bureau, the court dismissed the fraudulent claim and awarded the family enough money to relocate. Without this assistance, who knows where they would be today?

Two mentally disabled constituents rented a condemned apartment and their slumlord threatened to physically throw them out. Through court action, the Legal Aid Bureau retrieved all of the money which my constituents had paid to the slumlord. I ask who would represent these people if it were not for Legal Services?

The governor of the State of Michigan, John Engler, understands the importance of providing legal assistance to low-income residents. I have a letter from the Michigan governor in support of providing long-term stable financial support for civil legal aid. He recognizes that in Michigan only 20 percent of the civil legal needs of low-income residents are being met. In Michigan, there is one lawyer for every 340 folks. However, there is only one civil aid lawyer for every 6,500 citizens with low income.

I encourage my colleagues to remember that access to the justice system and righting a wrong should not be a privilege of the wealthy but a right to all. Please support this amendment to ensure that all Americans have access to our justice system. Justice for some is no justice at all.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, October 4, 1999.

DEAR FRIENDS: As Governor and a Michigan attorney, I endorse the State Bar of Michigan's Access to Justice for All (ATJ) Development Campaign. I have delivered my pledge to the ATJ Campaign and am writing today to encourage all members of the State Bar to do so as well.

Only 20 percent of the civil legal needs of Michigan low-income residents are being met, despite the volunteer service of many lawyers and the civil legal aid programs in our communities. Although there is one lawyer for every 340 people in Michigan, there is only one civil legal aid lawyer for every 6,500 citizens with low-income. This affects 1.5 million Michigan residents who qualify for civil legal aid.

These low-income families need legal assistance on essential family, housing and consumer issues. We expect all Michigan residents to use our institutions to resolve their disputes, and we must make certain that everyone has meaningful access to our justice system.

Across Michigan, lawyers are taking the lead to address this important issue. The ATJ Development Campaign, a permanent endowment using private funds, has been established by the State Bar to ameliorate this societal problem. Earnings from the endowment will be distributed to our community legal aid programs, allowing the principal to grow. The State Bar is underwriting the costs of this bold development campaign for the first three years.

The ATJ Development Campaign will provide long term, stable financial support for civil legal aid. Additionally, the State Bar is undertaking other unique initiatives to give Michigan a stronger, more efficient and effective legal aid system.

That State Bar's ATJ Campaign is historic. No other state bar has undertaken a comparable development campaign. In recognition, the American Bar Association awarded the prestigious Harrison Tweed Award to the State Bar of Michigan.

Please join me and deliver your pledge to the ATJ Campaign. Justice for some is no justice at all.

Sincerely,

JOHN ENGLER,
Governor.

□ 1545

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly rise in support of the Serrano-Ramstad-Delahunt amendment. America has a 25-year commitment to helping those who cannot afford legal assistance and it is outrageous that today's Commerce, Justice, State appropriations bill severely cuts back on this commitment.

For my colleagues who are not satisfied that every single mistake has been corrected that this legal assistance group has made in the past, I ask my colleagues, do we cut the Defense budget by 50 percent when the Defense Department loses their records and costs this country millions and billions of dollars? Of course, we do not.

By providing the Legal Services Corporation with less than half of its current funding, 50 percent less, this bill is effectively denying low-income individuals, including women, seniors, and veterans access to legal advice and representation that they need, help that they must have.

Mr. Chairman, Legal Services funding has a direct impact on thousands and thousands of peoples' lives, and this amendment will put some of the money back. It will help low-income individuals. It will particularly help low-income mothers, mothers who are victims of domestic violence, mothers whose fathers, husbands, their children's fathers who have abandoned them. It will help these individuals fight back and regain control of their lives.

Legal Services Corporation-funded programs provide these women, victims of domestic violence, with more legal assistance than any other organization across this Nation.

This base legislation tells women and tells their children that they are not a priority. How can we do this? I urge my colleagues, join together and vote for this amendment. Vote to increase funding for legal services to help veterans, to help seniors, to help mothers and to help their children.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Serrano-Ramstad-Delahunt amendment to increase some funding for Legal Services Corporation.

The Legal Services Corporation is very important in assisting vulnerable

people in our society. Women and children are among the vulnerable who, without assistance, often find themselves in abusive situations that they cannot control. The impact of these situations is significant, and it could well result in homelessness and a loss of necessary financial resources for food, maintenance, and health care.

To give one example from my own district, as a result of domestic violence and in fear for her safety and that of her 5 children, a woman left her husband of 15 years. He had been the primary support for the family; and she was able, on her own, to obtain housing although it was still neither decent nor safe. Yet, because of her financial situation, she was threatened with eviction.

Legal Services helped her to get Section 8 housing, and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day, and Legal Services in Maryland represents children who are neglected or abused.

Such neglect or abuse ranges from a child being left alone by a parent or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death.

Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the children who have been beaten, burned by cigarette butts because he would not stop crying or scalded by hot water to teach him a lesson.

These children are vulnerable and, without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, it helps to secure services for children such as housing support, health care, food, educational programs and necessary counseling.

The work of Legal Services on behalf of families and children touches at the very heart of what we value in this country, decent housing, adequate health care, food and a safe environment.

Because of the importance of safety in our society, these legal service programs have supported legislation to prevent abuse and to protect the abused. In general, the States are not allocating funds for civil legal services for poor citizens.

Without this federally-funded program, the most vulnerable members of our society will not have the ability to get inside that courtroom door to seek the judicial protection of their rights that they deserve.

We must assure that sufficient funds are available, and I, therefore, support very strongly and urge support by my colleagues for this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO).

Just a few minutes ago, the Texas Board of Pardons and Paroles denied the requests of Gary Graham for clemency and an opportunity for a new hearing. At this time, his execution is set for 6:00 p.m. today.

Gary Graham continues to press his case to show his innocence and argues that witnesses that could have presented his case of innocence were not heard. Gary Graham, 17 years old, did not have the counsel that might have generated a trial that might have had the opportunity for fact finders to make a full and open decision.

Justice in this Nation should not be determined by one's wealth, and although the Legal Services Corporation does not deal in criminal matters or death penalty cases, I use this day's tragedy to argue for the amendment before us, because it is important for the American people to understand that we are a Nation of laws.

I believe the American people accept that. It is a voluntary system where we commit ourselves to be governed by laws. We seek to address our grievances by the legal system, and we go into courts or proceed under administrative proceedings.

The Legal Services Corporation that generates dollars into our local community, in my instance, the Gulf Coast Legal Foundation in Houston, Texas that I served as a board member on, argues for those who cannot speak for themselves. It argues for those who cannot afford the billable hours, and it provides the bare minimum quality of life issues that many of us take for granted.

It works with families who do not have housing. It assists the homeless or those who are in transition, and it is interesting as we look at the history of the funding of Legal Services, it has had a very rocky history over these last couple of years.

There has been no denial that it has not done good work, that it has not worked with those in the Indian population here in America, that it has not worked with mothers of children needing services, as I indicated, educational services, special education, housing, food services and mental health services.

But yet this organization has been attacked, and I wonder has it been attacked because its clientele is voiceless. It cannot lobby the United States Congress to ensure that it gets the money. I look at its budgeting, and I see that over the years 1995, $400 million, but yet steadily it has gone down, and this committee puts in $141 million, a mere $141 million to fund Legal Services Corporation for the whole Nation.

Mr. Chairman, I am grateful for this amendment that adds $134 million that brings it up to $275 million, because there are people who cannot fight the landlord who have reasons not to be evicted. There are people who need child support who cannot fight the large entity that opposes them who deserve child support for their children.

In a hearing just a few weeks ago with Senator PAUL WELLSTONE in my district, hundreds of people were in the room to attest to the fact that they cannot get mental health services for their children because of the stigma of mental illness, because of their resources, because of their frustration, because of the lack of services.

The Legal Services Corporation steps in to help those people find the benefits that they deserve. It helps the senior citizen who is either lost or does not have its Medicare, Social Security. It helps those who are fighting about pension benefits. But why we would be on the floor of the House or bring a bill to the floor that suggests that by your wealth shall you be judged and by your wealth shall justice be determined.

I would hope as the verse or the words in To Kill a Mockingbird that whether you are a pauper or a prince, the justice in America is equal.

Gary Graham's case is now moving toward possibly its end; ineffective counsel is without a doubt one of the reasons that he is where he is today. He acknowledges his actions of the past were not good actions. He was not a model citizen, but I would think that all of us would want each person in this Nation to have justice.

I am disappointed that we have not found justice and found the commitment provided for all people. Let us support this amendment. It is a good amendment.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment to increase funding for the Legal Services Corporation. I stood here in the same spot last year and said the same message I am saying today, I strongly believe in access to legal services for individuals of all income levels, but this program should not be a Federal responsibility.

Everyone deserves representation, but the cases and illustrations given today are issues that are addressed at the State court level, at local court level, under State law, this is not the Federal responsibility. Yes, these people need to be represented. In Texas, Texas has that responsibility. In my State of Florida, Florida needs to take on that responsibility. In the State of Washington, Washington should take on that responsibility.

This is not the Federal responsibility. Over five times as many State, local and pro bono programs available for these types of services and private lawyers already perform over 24 million hours of pro bono work valued at $3.3 billion. This clearly dwarfs the Federal role the Legal Service Corporation provides.

In addition to the questionable Federal role, Legal Services Corporation continues to be plagued by controversy. A GAO study last year revealed that Legal Services Corporation had grossly overstated the number of cases it reported for the year, which resulted in Members of Congress believing that Legal Services Corporation had been much higher than reality.

This year the Legal Services Corporation's case reported statistics went from last year's initial estimate of 1.9 million cases to under 1 million cases this year, a drastic and disturbing reduction.

Before Congress funds an agency, it should understand what workload will be accomplished with the money, something which has been called into question when it comes to the Legal Service Corporation.

My friends across the aisle complain that we have this funding argument every year, but it is an important debate to have, because the program has not been authorized since the 1980s.

We talk about authorization every time on an appropriation bill, but here is a program that has not been authorized. In my opinion, it belongs to the State level, and everybody needs to have that representation. But here is a program that the track record has not been the most effective way that money has been spent in Washington.

Mr. Chairman, I ask my colleagues to oppose this amendment.

□ 1600

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in support of the Serrano-Ramstad-Delahunt amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer another devastating blow, thereby rendering it even more difficult to provide legal services for the poor.

Since 1994, some Members of this Congress have been determined to eliminate legal services for the poor. This worthy program cannot survive another massive reduction in funds. We have cut Legal Services from a budget of $415 million in fiscal year 1995 to $283 million in fiscal year 1998. Today's bill proposes that we drop this figure to $141 million. This proposal is less than half of the current level, and 59 percent less than the administration's request of $341 million.

Since its creation, the Legal Services Corporation has handled over 30 million cases, with clients including the working poor, veterans, family farmers, battered women, and victims of natural disasters. Two-thirds of the clients are women, and many of them are surviving violence. The cuts imposed by Congress in 1996 meant that 50,000 battered women did not get legal representation in cases where the primary issue was domestic violence.

Americans support access to the courts, regardless of class. However, cuts into the Legal Services Corporation would affect representation for about one out of five Americans. Moreover, the deep cuts in Legal Services will mean that whole sectors in many poor and rural regions of the country will have no publicly funded legal assistance.

One Legal Services Corporation lawyer for every 23,600 poor Americans is not enough. In fact, the number of Legal Services lawyers servicing the poor fell from 4,871 in funding year 1995, to 2,115 in funding year 2000. This means that thousands of poor people in the South, Southwest and large parts of the Midwest have virtually no legal services representation.

Pro bono services will never be able to replace federally funded Legal Services. In fact, most pro bono services are provided through the Legal Services organization. Private attorneys are recruited by and use the system of legal services organizations to volunteer their time.

I have worked alongside Legal Services attorneys throughout my life in public office, and I have seen firsthand the work they do. It is tremendous. Many of my constituents and many of yours would have no other legal representation without the existence of the Legal Services Corporation.

I serve on the Committee on Banking and Financial Services, and many are going to be engaged in a discussion about predatory lending, because it is on the rise. We have many of these financial institutions who do this subprime lending who are providing equity loans; and in many of these communities senior citizens have paid for these homes, they have a lot of equity, and maybe they need a new roof, maybe they would like a room extension, maybe they would like some work done, and some of these lenders are now lending them money, more than they can afford to pay back. They look at their fixed and limited incomes, but it does not matter. They see all of this equity in these homes. They lend them the money, and guess what? The homes get foreclosed on, and they show up in our offices. Help me, they say. They are taking my home away from me.

Where do you think we go for these people? They go to the Legal Services Corporation. They are the ones who are saving the homes of people who are the victims of predatory lenders who are taking away the only valuable asset they have.

Mr. Chairman, I want Members to know, this is not just happening in the inner city, this is not just happening in one or two communities. I do not know how some of my friends who oppose Legal Services get away with it. What are they telling the poor people in their district? What are they telling the senior citizens in their districts that are getting ripped off?

I know there are a lot of issues to consider, and oftentimes we will get people waving the flag, talking about all kinds of issues; but you do not represent the poor people, the working people in your districts. They are losing valuable assets; they are losing their homes under these predatory lending scams. Legal Services Corporation is the only organization that will be there for them. I ask Members to support the amendment.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. Once again we are debating a Commerce-Justice-State appropriations bill, and once again we are debating whether or not to adequately fund legal representation for poor and disenfranchised citizens.

Think about it: we are debating about whether or not low-income people deserve the basic kind of legal representation that we Members of Congress all take for granted. In my opinion, there is no argument here. This should not be controversial. This is common sense; this is simple equity.

The Legal Services Corporation offers legal protection to those who need it the most, victims of spousal abuse, child abuse and consumer fraud. During the past year, Legal Services grantees completed almost 1 million civil legal cases, helping everyone from veterans, family farmers, to people with disabilities and victims of floods and hurricanes. These cases involve domestic violence, child custody, access to

health care, bankruptcy, unemployment and disability claims. Legal Services gives these people help to maintain their incomes, their homes, their health care coverage, and their dignity.

I could understand the opposition to Legal Services if the organization had somehow been irresponsible or reckless in how it distributes its funds to grantees. Yet Legal Services has been proven highly effective in serving people, while adhering to congressional guidelines.

The corporation requires competitive bidding for all grants and has established strict reporting guidelines for its grantees. In response to this Congress' mandate, Legal Services prohibits its grantees from engaging in certain activities, including welfare reform advocacy, lobbying, illegal alien representation, class action suits and abortion litigation. Some of those prohibitions I do not agree with and did not vote for. Legal Services has also been savvy enough to partner with private organizations to raise additional funds, as well as to promote pro bono services from private attorneys.

So as much as the opposition would like to portray the Legal Services Corporation as an irresponsible, liberal activist group wasting taxpayer dollars, this is simply not the case. This is a responsible organization that is dedicated to representing the least represented in our society.

To underfund Legal Services by nearly $200 million is a clear abandonment of our commitment to provide equal access to our judicial system, and a vote against this amendment says loud and clear that this Congress is content to let our justice system splinter into two categories, one for the haves and one for the have-nots.

Vote for the Serrano amendment and send a signal that we should have one justice system that is open and accessible to all of our citizens, regardless of their income.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want Members to fully understand just what it is that we are doing here. I very much support this amendment, because it makes a bad bill a little better in terms of this item, but I want Members to understand that there is a little kabuki dance going on here, and that is required by the refusal of the majority party to provide an allocation to this subcommittee strong enough to meet our national responsibilities.

Make no mistake about it. This amendment, while it is certainly welcome, will not do the job in restoring the resources we need to ensure equal justice in America, and it will certainly not be enough to justify voting for this bill.

Last year the Federal Government spent $305 million to try to give people without adequate resources an opportunity to have their day in court, which is a constitutional mandate. This bill provides $141 million, a savage cut. The President asked us, because we are moving from an era of huge deficits to huge surpluses, to provide just a few dollars more for the very poorest people in this country, as long as this Congress had decided to give $90 billion in tax cuts to people who make over three hundred grand a year.

The committee's response was to say no way, no way, Jose; and, instead, they provided $141 million. This amendment now seeks to raise it, not to the President's requested $340 million, not to last year's level of $305 million, but to $275 million. That is inadequate.

We cannot do any better under the limitations being imposed by the majority budget, which provide so much money for tax cuts for folks on the high end; but this amendment is the best we can do under those circumstances, and so I will vote for it. But do not let anybody think that a great favor has been done by the Congress when we do this. We will still fall far short of the need. We will fall far short of the legal needs and our moral responsibilities in providing this funding.

So what I would suggest at this point is that we vote for the amendment. It will provide a little salve for our consciences, I suppose; but it will do precious little more to provide for the real needs of living and breathing human beings who have legal rights which they cannot exercise because this Congress makes Scrooge look like Santa Claus on a good day.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Serrano-Ramstad-Delahunt amendment. I must confess I am amazed each year. I am amazed, because each year when it comes time for this appropriation, there are always Members who come to the floor, there are always Members who come and try and find a way.

Now, I can understand certain kinds of cuts, and I can understand when you have got these huge amounts of money that there is some possibility of perhaps some of it even being wasted. But I have serious difficulty understanding how we could deny the most basic representation to those in our society who have virtually nothing with which to be represented.

I come from a district that has 165,000 people in it who live at or below the level of poverty. I come from a district that has 68 percent of all of the public housing in the City of Chicago, some of the most distressed public housing, some of the most distressed people. I come from a district that has 13 of the 15 poorest census tracts in urban America in that district. And I come to this floor to hear conversation that would deny all of these people.

Down the hall from my office is a Legal Services office, and all day long I see people marching in and out. All day long when I am in my district office I receive telephone calls from individuals with problems where they are seeking some help, some assistance; and I see these young lawyers in the Legal Services office who have decided that they are going to give of themselves in such a way. Many of them could even be in big firms earning big salaries, but they have decided to do their work where it is greatly needed. I would think that this House could do no less.

□ 1615

So I would urge all of my colleagues to vote in favor of the pursuit of justice for even those who could be described as being the least among us in terms of the resources with which to pay.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Serrano-Delahunt-Ramstad amendment to the Commerce, Justice, State bill. With great respect for the distinguished chairman of the subcommittee and for the ranking member of the committee for the hard work that they have put into this bill, I must respectfully disagree with the chairman and commend the ranking member for this very important amendment.

As reported, the bill provides the Legal Services Corporation with a very low $141 million. Indeed, it has been the same figure over the past 6 years that the Republican majority has put into the bill. The bill cuts $164 million from last year's funding level and $199 million from President Clinton's request. It is a pitifully small number. These cuts are more than 50 percent and severely imperil our legal system.

Mr. Chairman, we have a magnificent Constitution making us the freest country in the world, with liberty and justice for all. But all Americans do not have the same rights of some that can afford those rights and access to them, and others cannot. The cut in funding for the Legal Services Corporation is a diminution of justice in our great country. A person's income should not determine whether or not Americans have access to the civil justice system.

Legal Services Corporation-funded programs are the Nation's primary source of legal assistance for low-income women who are victims of domestic violence. Indeed, I say to my colleagues, over two-thirds of Legal Services Corporation's clients are women, most of them mothers with children.

The Legal Services Corporation was established to provide legal assistance in civil matters to low-income individuals; and these clients include veterans, as has been said, family farmers,

women, most of them, again, mothers with children, victims of natural disasters, et cetera. Often, the clients of Legal Services Corporation represent the elderly when they are victims of consumer fraud.

I would like to share a few examples with our colleagues to demonstrate how very, very important the work of the Legal Services Corporation is. My colleagues have referenced some other stories, and if these are duplicative, then they bear repetition, because they are very, very important.

When Mrs. Martinez decided to leave her abusive husband, she had no funds of her own to support her children. Her husband, who controlled all of the family's money, retained his own attorney to help him keep the family home and gain custody of the children, both under the age of 10. Despite a history of mental illness and domestic violence, and again, domestic violence, he had a good chance of winning in court.

A friend urged Mrs. Martinez to contact legal aid for assistance. A lawyer was assigned to represent her. The various hearings and legal proceedings were confusing and seemed very drawn out, but her legal aid attorney went with her to all of the court appearances and kept her informed every step of the way. When Mrs. Martinez's trial date came, her lawyer was prepared with witnesses and documents to demonstrate that the children would be better off in her care.

As a result, she was granted child support from her husband, kept possession of the family home, and, of course, won custody of the children. Her children are much happier knowing that their mother is safe and they can remain together.

Since this is a story about domestic violence, I would just like to urge the subcommittee and the full committee, and indeed, the House of Representatives, when considering Legal Services Corporation and access to those services, that we do not consider the income of the abusive spouse when testing the means of the woman applying for these services. Very often, the abuser has the income and because of that income, a woman, if that is attributed to her as well, she would not be able to meet the means test of getting legal services. So this is a very important point which we have debated in the past, and I hope that will be part of any Legal Services Corporation funding in the future.

But right now, we have a long way to go to even come up to the 1996 levels, the 1995 levels, which were too low then. We wanted more funding. There was greater need than we were matching with resources. There was more need for justice in the country than we were matching with funds at the Federal level, and now we are at 50 percent of that level over 6 years later.

So I urge my colleagues to support this very, very important amendment, which makes a very important difference in the lives of the American people, and a very important delivery of justice in our country.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that we have a very strange set of priorities in this institution. In the last couple of months, we apparently had enough money and found enough money to increase military spending by $22 billion, despite the fact that we are not quite sure who the enemy is. At a time when the United States has by far the most unequal distribution of wealth and income of any Nation on Earth, a majority of the members of the House voted to give huge tax breaks to millionaires and billionaires, the wealthiest people in this country. We apparently had enough money to do that. Every single year the United States Congress provides over $100 billion worth of corporate welfare to some of the largest and most profitable institutions in the world.

However, when it comes to providing low-income Americans the ability to have equal and adequate legal representation to take care of their needs, suddenly, my goodness, we just do not have enough money available. For the sixth year in a row, the fiscal year 2001 Commerce, Justice-reported bill includes only $141 million for the Legal Services Corporation. This is $164 million below the fiscal year 2000 appropriation of $305 million, and $199 million below the President's fiscal year 2001 request of $340 million.

What are we talking about? There is enough money to fund the Star Wars program, which is not needed and will not work; but when we ask for money to enable low-income women so that when they are battered they can go to court and defend themselves, when they need help for adoption, for child custody and support, for visitation rights, for guardianship, for divorce and separation, for protection against domestic violence, my goodness, there is no money available.

Mr. Chairman, there is a growing perception in the United States that we are becoming two societies, those people who have the money and everybody else. Yesterday, the World Health Organization issued a report which basically said that, if you are wealthy in America, you get the best health care in the world; if you are low-income in America, you get below dozens and dozens of other countries. And that perception exists in terms of justice. If you are wealthy in America, you have a battery of lawyers coming forward, and you have the best legal protection that money can buy; and if you lose, you know how to use the appeal process, and if you lose then, you know how to negotiate a settlement, which gives you the best that you can get. But if you are poor, it is increasingly difficult to find a competent attorney who will represent your interests.

Now, it is one thing to cut housing programs so that low-income people pay 50 percent of their income in housing; it is one thing to provide inadequate nutrition, it is one thing to provide inadequate housing programs so that people sleep out in the street, but even worse than all of that, it is really awful, really awful and unacceptable to deny people the right to legally represent themselves. What we are doing essentially is tying people's hands behind their backs and saying, we can do all that we want to you and you are not going to have the resources to defend yourself in the halls of justice, and that suggests that justice is severely lacking for millions of Americans.

So I would hope, Mr. Chairman, that the Members of the House of Representatives have the common decency to provide justice for all people and support this very important amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of this amendment.

Mr. Chairman, I rise in strong support of this amendment to eliminate the proposed draconian 59 percent cut in the appropriations for Legal Services.

Legal Services Corporation makes a real difference in the lives of those low-income Americans who need legal representation. Without the Legal Services Corporation, we would truly have the best legal rights that money can buy. It is bad enough that we have failed to enact campaign finance reform, so that Will Rogers' quip that we have the best government money can buy has more than a slight ring of truth. Without Legal Services, only those with money would have any real chance of finding justice in our courts.

There may be Members of this House who do not worry about the ability of low-income people to receive basic Legal Services. The annual assault on Legal Services Corporation would suggest that this is the case. In fact, the Legal Services Corporation does the opposite of what the money-driven politics which too often tends to rule this House these days would command. The Legal Services Corporation helps the poor and powerless assert their rights against the wealthy and powerful. It represents tenants against landlords, it represents victims of toxic pollution against corporate polluters, it represents those who have suffered discrimination against those who discriminate, it represents victims of domestic violence against those who perpetuate domestic violence. No wonder it is so unpopular.

But, Mr. Chairman, the poor, just like the wealthy, should be entitled to fair legal representation. A right without ability to enforce it legally is not meaningful. If any Member of this House had a dispute or a legal problem, he or she would seek out the best legal services he or she could afford or could raise the money to afford. So there is a general recognition that

to have meaningful rights, you need competent legal representation in this society.

In criminal proceedings, that need is so obvious that the Constitution requires publicly funded counsel. But that requirement has not been deemed to extend to protection of rights outside the criminal court, to family court, housing court or civil court. That is the job of Legal Services. We are not forced by the Constitution to do this, but simple decency and a commitment to equal justice under law should be enough. It was enough for President Nixon and for the bipartisan coalition that brought Legal Services into being and it should be enough now.

Some have argued that Legal Services Corporation has failed to live up to Congress' expectations for record keeping and accounting. Some have argued there is some waste and fraud and even abuse in Legal Services. I believe the wild claims that LSC is wasting or misusing large sums of taxpayers' money bear little relation to reality. But imagine if we applied the sort of rigorous accounting rules and this reasoning, the kind of reasoning we heard from the last speaker, to some other programs, like, for instance, the Defense Department. No one has ever suggested that because there is obviously waste, fraud and abuse in the Pentagon, we should abolish the defense budget, zero out of the defense budget. That would be absurd.

Mr. Chairman, there is incredible cynicism in this country. The newspapers, the press have pointed out that the polls show that people feel that government responds to the rich and the powerful, that we do not particularly care about what ordinary people think. There is substantial truth to this. Who gets their phone calls returned from Congress or the executive branch more quickly, the ordinary voter or the $100,000 contributor? The answer is obvious. That is bad enough in the legislative and executive branches. Only the Legal Services Corporation prevents this from also being true in our courts of law, in the judicial branch, too.

We must adopt this amendment to protect the honesty and the integrity of the judicial branch and to protect the faith of our citizens and the fact that if they are hauled before the judicial branch, if they need the services of the judicial branch and if they cannot afford legal representation on their own, they will have the ability to have fair representation.

This amendment must be passed to protect the integrity and the honesty and the due regard of our people for the judicial branch of government and for what we claim to be our regard for equal justice under law.

I urge my colleagues to adopt this amendment.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong and stringent support of funding for the rights of our nation's most vulnerable. Those who most often cannot afford the resources to defend themselves—the least of those in our society who cannot simply afford to call a blue chip law firm to have their rights defended.

As long as I have been in Congress, the Legal Services Corporation has been under attack. At one point my colleague across the isle even advocated eliminating the Legal Services Corporation.

Early in my tenure here in Congress, they alleged mismanagement. On these grounds they sought to slowly kill off the legal services corporation by gradually zeroing out its budget.

Their efforts to kill Legal Services has all but failed, however, my colleagues on the other sides are, if anything, tenacious. Since they could not kill funding for legal services they have reorganized and launched a renewed attack. Now their efforts focus on limiting the ability of the Legal Services Corporation to effectively defend its constituency.

Legal Services cannot participate in class actions; cannot participate in "political litigation", it cannot engage in litigation related to abortion; cannot represent federal, state or local prisoners; participate in challenges to federal or state welfare reforms and the list goes on and on. Despite the fact that the Legal Services Corporation has refined its case reporting systems and attempted to meet all of the demands of its critics, it is still under attack.

Although opponents continue to raise unsubstantiated concerns, the real reason that this budget cuts so much funding for Legal Services is the ill advised and unrealistic budget caps enacted by this Republican led Congress. In order to meet these caps, programs, like Legal Services, that are vital to the needs of the poorest of our citizens, are the first ones targeted.

Limited resources force local legal services programs to turn away tens of thousands of low-income Americans with critical, civil legal needs. A 1994 American Bar Association study concluded that approximately 80 percent of poor Americans do not have the advantage of an attorney when they are faced with a serious legal situation. All of us know that our country now is engaged in horrific debate over the criminal justice system's failure to properly apply the death penalty. We are finding that those who receive the death penalty often receive inadequate representation. In addition, to Legal Services inability to participate in criminal matters, we are now faced with a bill that does nothing but worsen the ability of our citizens to receive assistance in civil litigation.

I often wonder what the majorities conception for access to legal services is for our nations vulnerable. I have come to suspect they would prefer that the great nations have fallen, the likes of which include the Great Kingdoms of Ancient Egypt, the Roman Empire and the Kingdom of France, in part for the failure of these nation's to provide legal redress to the complaints of the citizens with the least.

As our Nation enjoys its greatest prosperity in a generation, we are duty bound to see that seniors living on fixed incomes, and poor people who have little resources are able to secure competent legal counsel when the need arises.

Today's Congress Daily AM displays a full page letter from the General Counsel's of 17 of the largest fortune 500 companies urging the Congress to, at a minimum, provide funding for Legal Services at the FY 2000 ($305 million) level. The article goes on to state that the cut in funding down to $141 million provided by the FY 2001 bill would "have a devastating impact on our system of justice. I believe we can do much better. I urge my colleagues to support the Serrano amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. As the vice-chair of the Congressional Caucus on Women's Issues, I must urge the passage of this amendment, and I am pleased to stand here with the support of others to support this amendment.

It is because of the abuse that goes on daily in the lives of far too many women and children is why I stand here today; and the need for legal services for these, the most vulnerable of our Nation, is immense. This amendment ensures the proper representation is provided for women who are facing domestic violence. As we recognize that sexual violence against women is the single most unreported crime; therefore, understanding and competent representation is critical for those brave women who step forward.

In 1999, Mr. Chairman, LSC resolved more than 924,000 cases, the vast majority of which have helped women and children. LSC is making a difference in the lives of tens of thousands of women and children across this country, and we must continue this success.

We recognize that the most vulnerable of those first are the women. While domestic violence occurs in all income levels, low-income women are significantly more likely to experience violence than any other women, according to the U.S. Bureau of Justice Statistics. Medical research asserts that 61 percent of women who head poor families experience severe physical violence as adults at the hands of male partners.

Mr. Chairman, I represent Watts and Compton and Wilmington, some of the most impoverished areas in this country; and I have seen how domestic violence has absolutely just ripped apart

women and children. I know that we have won this amendment, but I just wanted to stand to recognize those women who have stepped forward who are really strong and brave women.

HELP VICTIMS OF DOMESTIC VIOLENCE

Mr. Chairman, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Medical researchers assert that 61 percent of women who head poor families have experienced severe physical violence as adults at the hands of male partners.

The problems faced by low-income battered women can be particularly acute and complex. Often they are financially dependent on their batterer and require an immediate source of support and shelter in order to escape from a dangerous situation. In many communities, emergency shelters are simply not available; where they are, they are frequently forced to turn victims away due to overcrowding as too often battered women and their children are forced to return to the home that they share with the batterer because they have nowhere else to go.

HELP CHILDREN LIVING IN POVERTY

Every year, LSC-funded programs help millions of children living in poverty, helping them to avoid homelessness, to obtain child support, Supplemental Security Income (SSI), and other benefits, and to find safe haven against violence in the home.

The number of children living in poverty is increasing. The legal problems faced by people living in poverty can have particularly serious, long-term consequences for children. For example, a family with children that goes unrepresented in an eviction proceeding can easily find itself homeless, due to the chronic shortage of low-income housing. We can do better, better as a rich country to protect and take care of our children.

SENIOR CITIZENS

Many elderly people depend on government benefits, such as Social Security, Supplemental Security Income (SSI), Veterans Benefits, Food Stamps, Medicare and Medicaid, for income and health care. One of the challenges of the entitlement system is that an attorney is often needed to navigate the system. Legal services programs frequently represent clients in establishing their eligibility for these programs or dealing with reimbursement or benefit problems.

Older people are frequently victims of consumer fraud, particularly if they lack financial sophistication or have lowered mental capacity because of age-related illness. They are often victimized by contractors who promise to make repairs but perform incompletely, charging exorbitant prices. Faced with the need to make expensive repairs on their homes, pay medical bills, or supplement their income after the death of a spouse, they may be enticed into home equity loans they cannot afford. In many cases, only the intervention of a legal services attorney has prevented victims from becoming homeless.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

Page 4, after line 14, insert the following:

SITE SECURITY REPORTING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Attorney General in carrying out section 112(r)(7)(H)(xi) of the Clean Air Act (as added by section 3(a) of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106–40)), to be derived by transfer from the amount made available in this title for ''Counterterrorism Fund'', $750,000.

Ms. DEGETTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Ms. DEGETTE. Mr. Chairman, I am pleased to sponsor this amendment, along with my distinguished colleagues and good friends from the Committee on Commerce, the gentleman from Ohio (Mr. BROWN) and the gentleman from California (Mr. WAXMAN), to protect the health and safety of millions of Americans.

□ 1630

The Clean Air Act contains a provision, section 112, that was intended to reduce the risks posed by hazardous chemicals stored at 66,000 facilities in the United States, to inform the public of these risks, and to facilitate planning for these risks. We know accidents at facilities that store hazardous chemicals can result in environmental damage, and in injuries and even deaths to workers and people in the surrounding communities.

Mr. Chairman, fully one-third of the American public lives within 5 miles of one of these facilities. The best way to reduce the risk posed to our constituents is to make public information about risks so that community responders, emergency personnel, schools, and anyone living near these facilities can be prepared.

In August of last year, this body passed the Chemical Safety Information Site Security and Fuels Regulatory Relief Act. This bill easily passed the House and the other body and was signed into law by the President last year.

In the law, we heeded the concerns of the FBI and the industry that criminals may obtain information required by the Clean Air Act if this information is posted on the Internet. The risk of terrorist attack on one of these facilities remains unclear as, thankfully, no attacks have occurred on American soil.

Nonetheless, we sought to balance the community's right to information with any incremental risk that a criminal might have access to the information. In that same law, we required the Attorney General to conduct a study of security at facilities that store or use extremely dangerous materials.

One component of the study is a review of the vulnerability of the facilities to criminal or terrorist activity, current industry practices regarding site security, and the security of transportation of hazardous substances. An interim report from the Attorney General is due in August of 2000, and the law requires a full report by August, 2002.

Mr. Chairman, if the FBI or anyone else is concerned that the information about these facilities may be attractive to terrorists, then we all must be concerned that these facilities are doing what they can to secure their loading docks, rail spurs, and storage areas from criminal activity. This study will be instrumental to the ability of the Department to accurately assess the risk posed by terrorists and criminals.

Unfortunately, Mr. Chairman, despite the study requirement contained in the law, the Department of Justice tells us they do not have the funds to carry out this requirement.

In March of this year, the Attorney General requested a reprogramming in the amount of $750,000 from the counterterrorism fund to do this study. In fact, Mr. Chairman, the chairman, the gentleman from Virginia (Mr. BLILEY), and the ranking member, the gentleman from Michigan (Mr. DINGELL), recently wrote a letter to the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations in support of the need for funding, and at the appropriate time in the proceedings, Mr. Chairman, I will request unanimous consent to enter the letter into the RECORD.

Mr. Chairman, to date Congress has not acted on the Department of Justice's request. That is the purpose of this amendment. This amendment will allocate $750,000 in the Department of Justice counterterrorism fund for this study. This amendment will allow the Attorney General to fully comply with our mandate in the chemical safety act and will provide valuable safety information to our communities.

Mr. Chairman, I urge my colleagues to support this amendment. In my home, for example, which is a transportation and economics center, we are also a home to many environmental issues. My constituents and I know the importance of ensuring that our facilities are safe and secure.

Mr. Chairman, I would like to thank Alison Taylor and Sarah Keim of the Democratic staff of the Committee on Commerce and also Robert Gropp of my staff for their continued hard work on this important issue.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to commend the gentlewoman for offering this amendment, and commend her and the

gentleman from Ohio (Mr. BROWN) for their leadership on this important issue.

Chemical facilities are obvious targets for terrorist attack. Many of them are located in the hearts of our communities with large population centers. As a result, Congress, when we learned about the chemical facilities lacking sufficient security to address the threat of terrorist attack, asked the Attorney General to examine the vulnerability of these facilities and to report back to the Congress, but we have not had this study funded.

This amendment would provide funding for the study, and I want to join with the gentlewoman from Colorado (Ms. DEGETTE) in support of her amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentlewoman from Colorado (Ms. DEGETTE), and thank her for her good work.

This amendment would help protect the public by funding a study of security of chemical facilities to help protect the public from releases of dangerous chemicals into the air.

The Clean Air Act requires chemical facilities to develop risk management plans, including worst case accident scenarios, for the EPA. These plans were to be made available to the public so that anyone, fathers, mothers, coworkers, teachers, could learn about the potential for a chemical accident in his or her own community.

Last year, concerns were raised that terrorists would use the worst case scenario information to attack chemical facilities. In response, this Congress passed and the President signed legislation restricting release of the information. In May, the administration released a proposed rule sharply restricting public access to the data on chemical hazards.

Mr. Chairman, I remain skeptical of these severe limits on the public's right to know about chemical hazards in our community. Chemical accidents are a daily reality in this country, sometimes taking the lives of fellow workers, of neighbors, of parents, of children, of travelers, while terrorist attacks are rare, indeed.

If these chemical facilities, however, are indeed tempting targets for terrorists, our focus should be on restricting terrorists' access to them, rather than restricting the public's access to information about them.

Last year the Agency for Toxic Substances and Disease Registry investigated several chemical sites and found it easy to walk in through unguarded gates and unattended entrances. This amendment will reprogram $750,000, as requested by the Attorney General, from the counterterrorism fund to carry out the study authorized last year by this body.

If terrorism truly is a threat at chemical sites, this is a small amount of money to spend to investigate that risk. If terrorism is not enough of a threat to justify $750,000, I then question the restrictions that have been placed on community access to chemical accident information.

Mr. Chairman, I urge my colleagues to vote for the DeGette amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentlewoman and the other Members' interest in this issue. I can assure the gentlewoman and the others that I will be happy to work with them to ensure that this study is funded.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, with the assurance from the chairman that he will work with us on this matter to secure funding for the Department of Justice to conduct the study, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk will read.

The Clerk read as follows:

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $282,500,000, to remain available until expended.

AMENDMENT NO. 7 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCGOVERN:

In title I, in the item relating to ''GENERAL ADMINISTRATION—TELECOMMUNICATIONS CARRIER COMPLIANCE FUND'', after the dollar amount insert ''(reduced by $4,479,000)''.

In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES'', after the second dollar amount insert ''(increased by $4,479,000)''.

Mr. MCGOVERN. Mr. Chairman, this is a modest amendment that will have a very positive impact on our country's economy. Quite simply, it will bring the Small Business Administration's Women's Business Center Program from $8.89 million currently provided in this bill up to its authorized level of $13 million, and provide the President's budget request of $1 million for the SBA's National Women's Business Council up from the $595,000 currently in this bill.

The total amount provided by this amendment to achieve these goals is $4.5 million.

Mr. Chairman, I am very proud to be here today standing with my distinguished and bipartisan cosponsors of this amendment, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from New Mexico (Mr. UDALL), the gentlewoman from California (Mrs. BONO), the gentleman from Vermont (Mr. SANDERS), the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from California (Mrs. MILLENDER-MCDONALD), the gentleman from Maine (Mr. BALDACCI), and the gentlewoman from California (Mrs. NAPOLITANO).

This is an issue we feel very passionately about, and urge all our colleagues to join us in providing expanded opportunity for women entrepreneurs that will strengthen our entire economy. According to the results of the 2000 Avon Global Women's Survey that polled 30,000 women from 33 countries, the top three factors that women across the world feel would improve their lives in the new millenium are, one, financial independence; two, equal job opportunities; and three, the ability to start one's own business.

Here in the United States, we are living in the largest economic expansion in our Nation's history. Now more than ever it is incumbent upon us to ensure that all Americans benefit from and have the opportunity to contribute to our prosperity.

Overall, women can and are succeeding in the business arena. In fact, women-owned businesses are a true American success story, growing twice as fast as all other businesses.

As of 1999, there were 9.11 million women-owned businesses in the United States, generating sales in excess of $3.6 trillion and employing 27.5 million workers. Yet, despite these impressive statistics, women entrepreneurs have lower levels of available credit than their male counterparts, and minority businesswomen are less likely than Caucasians to have bank credit.

The Women's Business Centers program and the National Women's Business Council help push the doors open. For example, in my home State of Massachusetts, the Center for Women and Enterprise has served 1,200 women from a very wide spectrum of backgrounds, races, and ethnicities. Seventy percent of the Center's clients are single women, 32 percent are women of color, 44 percent are in the very low- or low-to-moderate income brackets. Sixty percent of these women are seeking to start their first businesses.

Across the country, Women's Business Centers provide education, training, consulting, and access to capital to women entrepreneurs. There are Women's Business Centers in 46 States serving tens of thousands of entrepreneurs each year. A large percentage of Center clients are women from low-income or disadvantaged backgrounds who would be unable to start their own

businesses without the assistance of a Women's Business Center.

The Women's Business Centers' mission is empowerment. These centers empower women by providing workshops and one-on-one consulting and mentoring for women business owners. Over the last 10 years, Women's Business Centers have assisted over 100,000 women entrepreneurs start or expand their businesses.

Past estimates show the program has created on average one new business and four new jobs for every 10,000 investment. By helping women to help themselves, these centers are strengthening the economy by creating locally-owned businesses and jobs, and by reaching out to new markets and new entrepreneurs, these centers are helping to ensure that our business community reflects our Nation's diversity. Yet, in spite of this progress, there are significant numbers of women entrepreneurs waiting and in need of these services.

Mr. Chairman, let me now just say a few words about the National Women's Business Council. The Council is a bipartisan Federal Government advisory panel created to serve as an independent source of counsel to the President and to Congress of economic issues of importance to women business owners.

The Council's goals include increasing access to capital and credit for women, increasing access to the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policymakers and women business owners.

In conclusion, let me just briefly give my colleagues a few facts about the offset for this amendment, which comes from the Telecommunications Carrier Compliance Fund, which is a program I support. Our $4.5 million amendment represents only 1.6 percent of this $282.5 million account. According to the committee report, this account is $72.5 million above the administration's request.

Additionally, the House has already provided this $282.5 million in H.R. 3908, the supplemental appropriations bill that we passed last March, and I am confident that the chairman of the Committee, with his powerful powers of persuasion, will insist that that stays in the bill. I urge my colleagues to support this bill.

Mrs. BONO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of women's business and the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald amendment.

I want to begin by thanking the gentleman from Kentucky (Chairman ROGERS) for the hard work that he has dedicated to the people of the United States and to this legislation on the floor today. As a believer in fiscal responsibility, I understand that the appropriators have done the best that they could with the strict spending limits they have had to work within.

Certain priorities were set within the committee. Funding was appropriated so that all of the pieces fit together. Unfortunately, the Small Business Administration's Women's Business Centers and the National Women's Business Council were significantly underfunded.

The amendment we are offering today would do the following. First, it would bring the Women's Business Center Program from $8.9 million to the authorized level of $13 million. Secondly, it would provide $1 million as requested for the Small Business Administration's National Women's Business Council, an increase from its current level of $595,000.

The offset for this increase comes from the Department of Justice's Telecommunications Carrier Compliance Fund. The lion's share of this $282.5 million account is new funding to reimburse the telecommunications industry for costs associated with modifying their networks as required under the Communications Assistance for Law Enforcement Act, also known as CALEA. The $282.5 million account is significantly above the administration's budgeted request.

As I said earlier, I realize that there are very tight fiscal restraints in place. With that being said, it seems to make an enormous amount of sense to redirect to the Women's Business Center and National Women's Business Council approximately $4.5 million, and still give the Department of Justice a considerable amount above their request to pay for additional expenses related to CALEA.

□ 1645

Women-owned businesses are growing at twice the rate of all other businesses. In California alone, there are over 1.2 million women-owned businesses accounting for 38 percent of all firms in the State and employing 3.8 million people. However, they are not making comparable progress in respect to government contracts.

The National Women's Business Council is a government advisory panel designed to provide counsel to the administration on ways that we can support our women entrepreneurs. By providing advice on ways to promote initiatives to encourage capital and credit access for women-owned businesses, to strengthen training and technical assistance networks, and to increase access to the Federal procurement market, we are helping women work towards economic independence.

As we are seeing more and more women-owned enterprises developing across the country, we are also hearing about the difficulties associated with finding capital to strengthen and grow those businesses.

The Women's Business Center is the place that women go to find the tools they need to overcome these hurdles. The Women's Business Centers provide education, consulting, and access to capital for our women entrepreneurs. I have heard from businesswomen all over the country how important the program is.

Many of the women who are being impacted by these programs are from low-income and disadvantaged backgrounds. To their credit, they are doing exactly what has been preached in the halls of this very Congress. These women are taking responsibility for their lives and finding ways to contribute to their communities. The Women's Business Center and National Women's Business Council are essential in this progress.

I urge my colleagues to support this amendment. It is good for women. It is good for our communities. It is certainly good for our economy.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a proud cosponsor of the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald, and Napolitano amendment. Now, that is a mouthful, but it is full of a lot of promise.

This amendment will help the 9.1 million women-owned businesses in the United States which are currently generating over $3.6 trillion in sales and employing 27.5 million workers throughout this country, most of whom are a lot of the welfare-to-work mothers.

This amendment will increase funding for the Women's Business Center program from $8.9 million to levels of $13 million this Congress authorized last year.

This amendment will also increase funding for the National Women's Business Council from $595,000 to $1 million.

As the ranking member of the Subcommittee on Empowerment and author of a similar amendment in 1998, I urge my colleagues to join me again in ensuring that women business owners are given the opportunity they need to develop their businesses and continue to nurture the growth of our national economy.

The Women's Business Centers, or WBCs, provide education, training, consulting and access to capital to women entrepreneurs. There are 50 States that have WBCs with tens of thousands of entrepreneurs working each year. A large percentage of these WBC clients are women from low-income disadvantaged backgrounds who would be unable to start their own businesses without the training provided through these centers.

The reason the Committee on Small Business authorized the $13 million appropriation for this program is to ensure that, once the Centers are established, their success is not thwarted by a sudden loss in Federal funding. This appropriation is critical to ensuring that the Centers are given a more realistic time frame to establish their own private funding stream before the Federal funding source is completely eliminated.

The National Women's Business Council is a Federal Government advisory panel created to serve as an independent source of advice and counsel to the President and Congress on an economic issue of importance to women businesses and business owners.

Since its inception in 1988, the NWBC has implemented countless programs to promote an environment which women-owned businesses can become an integral part of our national economy. The NWBC has worked tirelessly and effectively on increasing access to capital and credit, proving and improving opportunities for women in the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policy makers and women business owners.

The increased funding for the council is virtually needed to complete research projects, help reach the national procurement rate of 5 percent for women-owned businesses, and continue the very successful venture capital training program.

America's small business owners are the backbone of our economy and an indispensable part of this Nation's vigorous and continuous growth over the past several years. I have appreciated the support of the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO), ranking member, in the past for their efforts to help women business owners, their leadership has made the difference.

Mr. Chairman, I urge my colleagues to vote yes on this amendment.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this bill put together by the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Florida (Chairman YOUNG) and in support of the McGovern amendment. The amendment increases the funding for Women's Business Centers program and the Women's Business Council located within the Small Business Administration.

Women's Business Centers play a major roll in empowering women entrepreneurs with the tools necessary to succeed in their business. Ninety-three sites in 50 States and territories tailor their services to the communities they serve. Many Centers target low-income women. The Centers assist women in focusing their business plans through courses and workshops. They provide information on access to financing and mentor services. Women's Business Centers contribute to the success of thousands of entrepreneurs, enhancing their management capacity, and offering critical community infrastructure necessary for fledgling businesses to operate within.

During the course of the 106th Congress, the Committee on Small Business sought more information about the Women's Business Center program as we reconsidered its reauthorization. It soon became clear that, while the program was expanding around the country to States without Centers, existing sites were experiencing obstacles to their own growth.

Women's Business Centers are granted Federal funds through Small Business Administration's Women's Business Center program. As women continue to launch businesses at twice the national rate, it is critical that the Women's Business Centers program be able to meet the demand of this dynamic market segment. The seed money they receive from their Federal grants has helped over 50,000 women start or expand their businesses.

Some sites, particularly those located in rural areas, have limited access to foundations, corporations, and banks, which provide the private funds to match our Federal funds. This funding is desperately needed so that especially these centers struggling to reach the thousands of women seeking assistance are not forced to close.

Mr. Chairman, this amendment also adds funding to the Women's Business Council. The NWBC was created by Congress to serve as an independent source of advice and counsel to the President and Congress on issues of importance to women entrepreneurs. The Council has provided the women's business community with a seat at the policy-making table and has addressed cutting edge issues of access to capital that pose a challenge to women seeking to launch and grow their businesses.

Mr. Chairman, I support both of these programs vital to women entrepreneurs. I urge my colleagues to support this amendment.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the McGovern amendment which will expand funding for the Women's Business Center program and the National Business Council.

I support this amendment because the Women's Business Center program works. By providing business assistance to women, particularly financially disadvantaged women, these programs help them become full partners in economic development through small business ownership. This program works nationally, and I have seen it work in my home State of Wisconsin, specifically at the Western Dairyland Women's Business Center in the Third Congressional District in Western Wisconsin.

We know that women-owned businesses are growing at twice the rate of all other businesses. Not only does the Women's Business Center program help women to take a great idea and turn it into a business, but these centers provide the tools needed to make that investment a sound one. With business training, marketing classes, and counseling on the pressures of running a business, their clients are more prepared than most to have a successful start.

In Wisconsin, women-owned businesses employ over 5,000 people and generate nearly $70 billion in sales. Statewide, women are gaining the knowledge and the tools to enter into fields that until now have been dominated just by men. Thanks to programs like the Women's Business Center, in less than 10 years, we have seen more than a 60 percent increase of women in agriculture. Over the same period, there has been more than 75 percent increase of women-owned construction companies and nearly 60 percent increase in manufacturing firms owned by women.

Specifically, in the Third Congressional District of Wisconsin, I have seen firsthand the positive results of the Women's Business Center. Appropriately, the Center is located in rural Independence, Wisconsin, and independence is just what the Center provides for many women in Western Wisconsin by providing microloan programs, marketing assistance, Internet training, and much more. Women are realizing their goals by starting and expanding their own businesses.

I would like to share with my colleagues a letter that was sent to the Western Dairyland's Women's Business Center in Independence, Wisconsin.

I quote, ''Just a quick note to express my gratitude for all that you have done and continue to do in working with me to establish a sound business plan. I can't express to you how much this has helped me, not only getting the financial situation in order, but the mental support as well.

''You have lifted my spirits 100 percent. One year ago, I was probably one of the most depressed single parents out there, but with setting my mind to what I know I can do, and the support of the organization aspects you have provided, I feel so much stronger and secure with myself and with what I intended to accomplish.

''Whenever I tell people about this program, I speak very highly of it and how I think it is very beneficial to anyone who may be engaged in entrepreneurship. Thanks again for all the hard work and encouragement.''

Success stories like this are not the exception but the rule for the Women's

Business Centers across the Nation. Despite all of these successes, however, many of the Centers, including the one in my district, are facing serious cutbacks in funding. As a result, reductions in staff and resources are happening nationwide. The $4.5 million would bring the Women's Business Center program to its authorized level of $13 million and increased business opportunities for women across the units.

I believe it is a worthy program, and that is why I am urging my colleagues today to support the McGovern amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. There are a lot of cosponsors to the McGovern, Johnson, Udall, Bono, Sanders, Millender-McDonald, Baldacci amendment.

This amendment would serve the very critical purpose of funding the Small Business Administration's Women's Business Centers program to its authorized level and the National Women's Business Council to its requested level, a total of $4.5 million. Through these programs, the Small Business Administration has dedicated itself to reaching and surpassing the 5 percent procurement goal for Federal contracts, government contracts given to small women-owned businesses as established by Congress in the Federal Streamlining Act of 1994.

The Women's Business Centers provide counseling and training to start up and establish women entrepreneurs. Programming at the Women's Business Centers is unique because it is designed locally by women to meet the needs of the local community.

Currently, there are 93 Women's Business Centers in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands. These Centers service the fastest growing portion of the business community as women-owned businesses are growing roughly two times as fast as all other businesses.

As of 1999, there were 9.1 million women-owned businesses in the United States generating sales in excess of $3.6 trillion and employing 27.5 million workers.

Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest growing segment of women-owned businesses. In Maryland alone, there are over 193,000 women-owned businesses accounting for 40 percent of all firms in the State. Unfortunately, even with this tremendous growth, the current rate of government contract procurement for women-owned businesses is a mere 2.4 percent.

The National Women's Business Council serves a different role. It fosters the success of women entrepreneurs. It is a bipartisan Federal Government advisory panel that acts as an independent source of advice and counsel to the President and to Congress on economic issues of importance to women-owned businesses.

□ 1700

The Council has been at the forefront of advocating for greater access to financing and contracting opportunities.

In 1997, I successfully nominated Laura Henderson, the founder, president and CEO of Prospect Associates, and one of my constituents, to the National Women's Business Council. I have known Laura now for more than 15 years through her successful business ventures in Montgomery County, Maryland, and her visionary work in procurement issues. Laura recently testified in support of the National Women's Business Council before the House Subcommittee on Government Programs and Oversight of the Committee on Small Business.

At the conclusion of her testimony, Laura stated, ''The Council's actions have been fundamental to the expansion and recognition of women-owned businesses as an integral force in the economy. The Council has been the catalyst for making our dreams a reality.''

I urge the support of my colleagues for this amendment and for the dreams of women entrepreneurs in America. There is an ever-growing need for women-owned business assistance in every congressional district. Although women entrepreneurs have come a long way over the last decade, they still face barriers in the marketplace. It is our responsibility as legislators to make sure these barriers are not impregnable.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I rise, as have my other colleagues, to speak in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts (Mr. MCGOVERN).

As a small business owner, and as a Member serving on the Committee on Small Business, I have long recognized that the Women's Business Centers Program meets a very, very fast growing need, and that is to help women succeed as entrepreneurs in the global economy.

Our women business owners need help. They need access to capital, they need counseling, they need assistance in being able to identify foreign markets, they need help in being able to access Federal procurement. They need help, and we can provide that help with this additional money. Although the $8 million initially proposed was increased to $11 million during committee work, and we now are planning to add an additional $4 million, it is still a drop in the bucket to what can be of very great assistance to the women who are fast not only becoming the greatest number of business owners but also the ones that are providing the largest number of jobs in the United States for our working class.

Many of my colleagues have already identified that nearly 9.11 million women-owned businesses operate in the United States, 1.2 alone in California. They generate in excess of 3.6 trillion, not million, not billion, but trillion dollars, and employ millions of workers, more than are employed in all the Fortune 500 industrial firms. These women are not only talented, they are full of ambition and have the drive and the zeal to be able to become successful and continue operating and expanding their businesses.

It is important to note that these business centers are the fastest growing portion of all business communities; and they are growing, as my colleagues have heard, twice as fast as all other businesses. We should be granting them not $4 million but ten times that for these marvelous hard-working successful women. These few centers have helped 2,000 women a month, about 50,000 women total, starting or expanding their businesses. Our past estimates show that the program created, on the average, again we heard these statistics, one new business and four new jobs for every $10,000 invested in them. What an investment.

On the natural, women are handicapped. Banks do not loan to women easily, or as easily as their male counterparts. So we need to help them become successful by helping them with their business plans and being able to pattern and plan for them.

Mr. Chairman, it is not now the time for us to turn our backs on women who want to succeed, who can succeed, and who will succeed, with our modest assistance with this increase. I urge support for the McGovern amendment, and I urge my colleagues to consider that women-owned businesses are no longer the typical type of business. They are builders, they make airplane parts, they are the independent truck drivers, they run computer schools, and they have foster family agencies, just to name a few of the entrepreneurs in my area.

Again, I urge this House to consider supporting the McGovern amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which increases the bill's funding for the Small Business Administration's Women's Business Centers Program to the authorizing committee's full authorization of $13 million, and provides the President's budget request of $1 million for the National Women's Business Council.

Two years ago this body agreed to an amendment that my colleague, the

gentlewoman from New York (Ms. VELÁZQUEZ), and I offered to double funding for the Women's Business Centers. This increase in funding doubled the size and scope of the Women's Business Centers Program, increasing the number of Women's Business Centers throughout the country to 92 centers, including one in my home State of Vermont.

The Women's Business Centers offer financial management, marketing, and technical assistance to current and potential women business owners. Each center tailors its style and offerings to the particular needs of its community. More importantly, the Women's Business Centers target economically disadvantaged women and areas of high unemployment. This program has had significant results.

Over the last 10 years, Women's Business Centers have served over 100,000 women entrepreneurs throughout the U.S. start and expand their businesses. As of 1999, there are nearly 34,000 women-owned businesses in Vermont, accounting for 40 percent of all firms in the State. Between 1992 and 1999, the number of women-owned businesses in Vermont increased by 50 percent, accounting for the creation of 47,000 new jobs in the State and $195 million in sales.

Women-owned businesses are thriving nationwide. Employment growth in women-owned businesses exceeds the national average in nearly every region of the country and in nearly every major industry. Between 1987 and 1996, the number of firms owned by women grew by 78 percent, which is almost twice the rate of increase in the number of all U.S. firms. Between these years virtually all new jobs were generated by small businesses. As large companies continued to downsize and fires exceeded hires, small businesses with less than 19 employees generated about 77 percent of the net new jobs.

If provided the funding, the SBA's Women's Business Centers can help level the playing field for women entrepreneurs who still face unique obstacles in the world of business. WBCs have programs to help women break into the Federal procurement and export markets.

While women entrepreneurs are expanding at the foreign markets at the same rate as all U.S. business owners, women-owned businesses receive less than 8.8 percent of the more than $200 billion in Federal contract awards. The President recently ordered all Federal departments and agencies to grant at least 5 percent of all prime contracts and subcontract awards to women-owned businesses.

Fully funding the National Women's Business Council, the bipartisan advisory panel that provides independent advice to the Federal Government on these issues, is crucial to accomplishing this goal, and I hope very much that we will pass this amendment.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on behalf of the McGovern amendment and strongly support this effort to bring the Women's Business Centers Program up to its authorized level of $13 million and to meet the President's request of $1 million for the National Women's Business Council.

I would like to congratulate the ranking member for his leadership and also like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for developing such a broad-based bipartisan amendment to address this very pressing issue.

Women's Business Centers play a major role in helping women entrepreneurs by providing technical assistance in the formation of their business plans through courses, workshops, mentoring services, and access to financing. The additional funding made through this amendment will strengthen those centers and make centers available to more women. I have a center in my district in Lewiston, Maine, which is a vital source of information, outreach, and access to financing that has really spurred a lot of women-owned businesses to be developed just in the short time that it has been there.

The National Women's Business Council makes recommendations and provides advice to the President and Congress on issues of economic importance to women. The additional funding through this amendment will help the NWBC. It will be able to support new research; create a State Council Program to help in the development of women's business advisory councils, summits and an interstate communications network; promote more outreach initiatives for securing Federal procurement contracts; and provide additional support for training, technical assistance, and mentoring.

The additional funding provided through this amendment will go a long way towards creating a more level playing field for women business owners. I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am prepared to accept this amendment. I support the work the SBA does to help women start and maintain small businesses. In fact, the bill includes funding for both the Women's Business Centers and the Women's Business Council at the current year levels. In fact, over the last 2 years, we have more than doubled the amount provided for Women's Business Centers. So this activity has enjoyed tremendous growth while a lot of other programs funded in this bill have remained stagnant, frozen, at current levels.

The only reservation that I have on the amendment is the offset because the offset comes from the CALEA fund. And as all of us realize, this so-called CALEA fund, telecommunications carrier compliance fund, called CALEA, is the fund out of which we must pay the expenses of equipping our telephone systems so that the court-ordered wiretaps, the law enforcement activities, can continue. It is absolutely critical funding, and I am concerned about where the offset comes. But perhaps we can find some way to remedy that.

So I would accept the amendment, Mr. Chairman; and I would call for a vote.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to speak on the McGovern amendment which supports one of the most dynamic and vital segments of our society: women entrepreneurs.

Women-owned businesses are the fastest growing businesses in our country. In fact, those businesses owned by women of color are growing three times faster than the overall business growth rate. It is imperative that we do all we can to assist their efforts to run successful businesses.

This amendment brings additional funding to the Women's Business Center Program and the National Women's Business Council.

The Women's Business Center Program provides assistance to tens of thousands of women entrepreneurs in all 50 states, giving preference to those women from disadvantaged backgrounds.

In the next fiscal year, the Women's Business Center Program is authorized to receive $13 million. This amendment ensure that the program receives all of those funds as opposed to the current appropriation of a mere $8.9 million. Fully funding the program ensures that it reaches the largest number of people with maximum effectiveness.

Another way we can assure that women entrepreneurs are successful is to support the National Women's Business Council, which is dedicated to researching effective business strategies. The Council serves to help women find sources of capital for the businesses. Additional, the Council provide private and public sector professional training for women entrepreneurs.

Our funding increase provides for another important function of the Council: to aid state and local organizations in helping women entrepreneurs. This means that women can access information, which is relevant to their regions. In other words, this is money well spent.

The Council studies what works and what doesn't. It lets us learn the most effective way to help women start their own businesses. It's objective is to make women entrepreneurs successful.

The Council however, is only slated to receive 60 percent of its authorized funding. This amendment provides the full funding—$1 million. This is the sum the President has put in his budget for the Council. Full funding will allow the council to carry out its tasks of researching effective business strategies for the

9.1 million women-owned businesses across the country who employ over 27.5 million workers and generate $3.6 trillion in revenues. It is in the best interest of the country to ensure that these businesses are as efficient and successful as can be.

As our ''New Economy'' continues its progress, so does the discussion about creating job growth. This amendment will allow for necessary programs to continue providing job training to these entrepreneurs. The end result will be the creation of jobs for those who need it most—women, minorities, and the economically disadvantaged. Letting women create their own businesses in depressed areas benefits everyone.

Let me turn my attention to the offset for a second. Our amendment takes approximately $4.5 million from the Department of Justice's. Telecommunications Carrier Compliance Fund. Let me say that our $4.5 million represents only 1.6 percent of the $282.5 million TCCF account.

Let's think about this for a second. 1.6 percent to assist the growing 9.1 million women-owned businesses in this country.

I don't know about you, but to me that sounds like a strong investment.

Mr. Chairman, thousands of women across the country are eager to start successful businesses. We must help these women to help themselves—by providing classes, training, proven expertise, and improved access to funding. I urge my colleagues to support this amendment and ensure that these vital programs are fully functional and effective.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment. This amendment would increase funding for the National Women's Business Center Program from $8.9 million to the authorized level of $13 million and would increase funding for the National Women's Business Council from $595,000 to $1 million dollars. These funds would provide much needed funds to help secure venture capital, reach the national procurement rate of five percent for women-owned business and complete research projects.

The National Women's Business Council, is a bi-partisan Federal government advisory panel which serves as an independent source of advice and counsel to the President, the Congress, and the Interagency Committee on Women's Business Enterprise. It advises on economic issues of importance to women business owners.

The Council and the Interagency Committee have established an effective public/private sector partnership to promote an economic environment conducive to business growth and development for women-owned businesses and have focused on expanding opportunities, collecting research, strengthening technical assistance and the networking infrastructure, and improving access to capital.

Although women-owned businesses are among the fastest growing business sectors, women's access to capital continues to lag behind men. Currently, over 9.1 million women-owned businesses in the U.S. generate over $3.6 trillion in sales and employ 27.5 million workers. Women's Business Centers offer training and counseling programs designed to educate, empower, and assist individuals in improving their lives through entrepreneurship.

In the Eleventh Congressional District, the Glenville Development Corporation provides long-term training to low and moderate-income women to assist them in business development. The organization W.O.M.E.N. (Women's Organization for Mentoring, Entrepreneurship, & Networking) in Akron, Ohio, also provides services to the Eleventh Congressional District. These centers have provided essential support for many women entrepreneurs which would not otherwise be accessible. With the funding offered in this amendment, the centers' good work, and the work of many other organizations will be able to continue. I urge strong support of this amendment.

Ms. PELOSI. Mr. Chairman, I rise to support the bipartisan McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment that would add $4.5 million to programs supporting Women's Entrepreneurship. This amendment would increase $4.1 million for SBA's Women's Business Center Program to its fully authorized $13 million and would increase $405,000 for SBA's National Women's Business Council to President Clinton's requested $1 million.

These programs are important to women around the country and in the district I represent. Recently, I heard from Ms. Claudia Viek, who runs the Renaissance Women's Business Center in San Francisco. She was concerned about cuts to SBA's Office of Women's Business Ownership and its adverse impact on the Renaissance Center which has sustained a 7 percent funding cut and, without this amendment, would experience deeper cuts. Since 1985, this Center has been successfully fulfilling its mission ''to empower and increase the entrepreneurial capabilities of socially and economically diverse people'' and providing practical training in business planning, financial assistance, and ongoing supportive networks for its graduates.

I have also heard from Barbara Johnson and Mercedes Sansores with ''Women's Initiative for Self Employment''. These women were also concerned about funding levels for SBA's Office of Women's Business Ownership and urged me to support this amendment. Women's Initiative is a private, non-profit organization founded in 1988 to help low-income women start and manage their own businesses. It makes loans to support its client's entrepreneurship. Women's Initiative offers business training and technical assistance, in English and Spanish, on business planning, marketing, sales, and finance. ALAS is the Initiative's Spanish-language training program that delivers important services to the local community.

Together these Centers provide significant resources and training to businesswomen. They are simply two examples of the many Centers around the nation. In fact, as we travel, we could find Women's Business Centers in 46 states and territories. Clearly, this program benefits women around the country. I urge my colleagues to support the McGovern amendment and support increased business opportunities for women.

The CHAIRMAN. The gentleman yields back his time. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $159,570,000.

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

Mr. Chairman, I rise today to express my concern at the lack of funding that the Indian Country Law Enforcement Initiative received in the fiscal year 2001 Commerce, Justice, State appropriation bill.

Under the House bill, the initiative received zero funding: zero funding for tribal courts, zero funding for COPS grant set-aside for Indians, and zero funding for the new programs proposed by the administration. I have been advised that the reason the initiative received zero funding in the House is because the Senate will take care of funding the initiative. I find this logic troublesome.

Recently, I, along with several of my colleagues, sent a letter to the chairman and senior Democratic member of the subcommittee expressing our strong support for the President's fiscal year 2001 budget request for the Department of Justice portion of the Indian Country Law Enforcement Initiative. The President's budget requested $173.3 million for the initiative. This figure represents an increase of $81.8 million above the fiscal year 2000 enacted level.

I believe that increased funding for this initiative is critical in light of the recent information from the Justice Department that confirms that while national crime is dropping, crime rates on Indian lands continue to rise. In its 1999 report, American Indians and Crime, the Bureau of Justice statistics found that American Indians and Alaska natives have the highest crime victimization rates in the Nation, almost twice the rate of the Nation as a whole.

The report revealed that violence against American Indian women is higher than other groups. American Indians suffer the Nation's highest rate of child abuse. The report indicates that Indian juveniles in Federal custody increased by 50 percent since 1994. The findings for this report serve as the basis for the President's request for more funding for this initiative.

I also support the President's request to make permanent the Office of Tribal Justice under the Department of Justice's Associate Attorney General's Office. The Attorney General created this office to provide a permanent channel for tribal governments to communicate their concerns to the Department and to coordinate policy on Indian Affairs with the departments in other Federal agencies.

Mr. Chairman, the Department of Justice and the Department of the Interior developed the initiative 2 years

ago to improve the public safety and criminal justice in Indian communities. Last year, Congress appropriated $91.2 million to the Justice Department for additional FBI agents, tribal law enforcement officers, detention centers, juvenile crime programs, and tribal courts.

□ 1715

This year the House provided zero funding for the initiative.

Mr. Chairman, I urge my colleagues to work to restore funding and to provide the necessary increase for the initiative as this bill proceeds to conference. Let us work hard to combat crime and violence in our Indian lands.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DETENTION TRUSTEE

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,000,000: *Provided,* That the Trustee shall be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,825,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $523,228,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $18,877,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

Page 6, line 13, after the dollar amount, insert the following: ''(increased by $11,772,000)''.

Page 23, line 2, after the dollar amount, insert the following: ''(decreased by $16,000,000)''.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SERRANO. Mr. Chairman, the amendment I offer will fund the requested level for the Justice Department Civil Rights Division. It provides a total of $11,772,000, offset by $16 million from Federal Prisoner Detention, which will still leave an increase of $56 million or more than 10 percent over the current level.

The Civil Rights Division is the primary institution within the Federal Government responsible for enforcing Federal statutes that prohibit discrimination on the basis of race, sex, disability, religion, and national origin.

In the reported bill, the Division would receive only part of its request for inflationary adjustments, less than the other Justice Department components are being given, and no funding for its initiatives.

My amendment would restore the adjustments and further permit the Division to pursue its initiatives. It would increase the number of attorneys and support staff first, to enhance its ability to investigate and, if appropriate, prosecute criminal civil rights violations in the areas of hate crimes, violations under color of law, and violence against health care providers;

Second, to increase its ability to promote compliance with the Americans with Disabilities Act in employment cases and certifying that State and local building codes meet ADA requirements by providing outreach to help small businesses and law enforcement agencies meet ADA requirements and by ensuring that persons confined in public institutions have adequate mental health services;

Third, to combat abusive, discriminatory, and other unconstitutional action by law enforcement officials through ''pattern or practice'' investigations of specific law enforcement agencies and the related suits and settlements that implement remedies;

Fourth, to combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention facilities, and address the mental health needs of individuals in correctional and health care facilities;

Fifth, of particular interest to many Members, to review redistricting submissions and other voting changes as required by the Voting Rights Act, following the 200 decennial census; and

Sixth, to expand programs that protect basic civil rights, including fighting employment discrimination and in-school segregation, providing training in certain civil rights-related legal requirements and investigative techniques to Federal, State, and local agencies, and supporting fair lending laws.

Mr. Chairman, I have offered this amendment because it is very difficult to understand why during such a good economic period as we are going through in this country right now anyone would think of cutting the enforcement of civil rights.

At this point, perhaps more than ever before in recent history, as we are doing better, we need to certainly make sure that we protect those who may be powerless in this society so that we can share in the wealth and share in the law and share in all that is good about this country.

So I would hope that people see it in this spirit, see it as in relationship to everything else that is happening in our society, and understand that the worst thing we could do, the most difficult thing that we would not face up to is the fact that we would allow during these times for people to continue to be hurt and not to be protected.

These dollars would allow the Civil Rights Division to go out and do the job that it has to do and, in the process, provide for the protection that all Americans need.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman knows, over the last few years, the Civil Rights Division has been treated very generously. In fact, funding for the Civil Rights Division has increased by over 32 percent over the last 2 years. Few other agencies in this bill have enjoyed similar growth.

We have tried to maintain the investment we have made in the Civil Rights Division, as we have done for other programs in this bill. In addition, this bill also provides increases to other civil agencies that are included in the bill.

So, in view of the fact that we do have the fiscal restraints that we are operating under, this division has enjoyed generous growth at the hands of this subcommittee and the Congress over the last 2 years. I would urge rejection of the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from New York (Mr. SERRANO), the ranking subcommittee member, for his leadership in this measure.

The vote on this amendment, my colleagues, will define the agenda of the majority party. Is it to ensure that all Americans have an equal opportunity in this country, or is it to prevent that from happening?

The Justice Department's Civil Rights Division is the most important weapon we have to fight for equal opportunity through its investigation and prosecution of criminal civil violations, violations of the fair housing and lending laws, employment discrimination, and other civil rights abuses.

Unfortunately, the majority has consistently underfunded this office. Why? This year the administration has asked for $97.9 million and is getting only $86 million from this bill, and this is in the midst of a $200 billion budget surplus.

That is the wrong message to send to the American people about the importance of civil rights. This amendment can fix this by fully funding the Division with an additional $11.8 million.

Now, in the past few years, the Civil Rights Division has been more important than ever in pursuing criminal civil rights abuses. The Nation has experienced the horrors of the torture and deaths of Matthew Shepard and James Byrd, and the murder of a reproductive health care provider, Dr. Bernard Slepian.

More recently, four New York City police officers killed Amadou Diallo, an unarmed immigrant, in the lobby of an apartment building; and another four officers brutally assaulted Abner Louima. These are just a few of the cases that the Division is reviewing.

The Federal Bureau of Investigation stated that there are 10,461 law enforcement agencies across the United States reporting a staggering total of 8,049 hate crimes in 1998 alone. These are conservative numbers, though because the truth is many hate crimes go unreported because the victims fear retaliation and many police departments just do not collect such data.

Now, while law enforcement offices and agencies pursue the bulk of the offenders, the Justice Department must train those agencies and prosecute those offenders. The local officials cannot. With added funding, the Civil Rights Division can hire five, just five, more lawyers and assure that many of these perpetrators are brought to justice.

Three prominent civil rights groups, the NAACP, the ACLU, and the National Asian Pacific American Legal Consortium, have pointed out in a letter to the House that one of the most pressing issues for many Americans is that of police misconduct.

The Department has investigated the police departments of Washington D.C., New York City, New Orleans, and Los Angeles, and many others for numerous offenses, including excessive force. Prior investigations have led to consent decrees with local police departments, including Steubenville, Ohio, and Pittsburgh, Pennsylvania, for using excessive force and improper searches.

In December 1988, the Justice Department was conducting six public investigations with eight attorneys throughout the country. And in December 1999, the Department was investigating at least 12 police departments with just the same number of attorneys as the previous year.

We cannot expect the Department to increase its workload in this manner without adding additional resources. And so, this amendment would permit the Division to hire three much-needed attorneys to prosecute police misconduct.

And so, my colleagues, I urge my colleagues to support the Serrano-Conyers amendment. It adds modest funding to the Civil Rights Division.

Mr. Chairman, all to often the majority gives our Nation's civil rights laws mere lip service—offering us civil rights on the cheap. The budget before us today confirms my worst fears. If you look at the actual evidence in critical areas such as hate crimes, police misconduct, employment, and housing you will see that there is overwhelming evidence of ongoing discrimination in our society. Yet the budget actually under funds the critical civil rights division to the tune of $11 million.

Consider the problem in hate crimes. Our Nation has only recently began the healing process in the aftermath of the tortures and deaths of James Byrd, Jr., and Matthew Shepard in Laramie, Wyoming. In the years 1991 through 1997 there were more than 50,000 hate crimes reported. This is why the Conyers-Serrano amendment would allow the Division to hire five new attorneys to help prosecute hate crimes and other civil rights crimes.

The incidence of police misconduct toward minorities is also growing dramatically. In Pittsburgh, a police officer shot to death a black motorist who had slowed down and peered through his side window while observing a drug arrest. In Riverside, California, a 19-year-old black woman was shot to death by a policeman in her car at a gas station. And we all know that Amadou Diallo, a West African immigrant, was shot 41 times in the vestibule of his Bronx apartment by four police officers. At a time when the Civil Rights Division is on the verge of being totally overwhelmed, our amendment would also allow the Division to retain three additional attorneys to fight against police "pattern and practice" misconduct.

The problem with regard to employment and housing discrimination is no better. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998 from 8,413 complaints to 23,735. The bipartisan Glass Ceiling Commission recently found that 95 percent of top corporate jobs in America are held by white males, with African-Americans holding less than 1 percent of top management jobs, and women holding 3–5 percent of senior level positions. Just recently we learned of outrageous discriminatory conduct at Texaco Corp., including tapes of top management officials referring to African-American workers as "black jelly beans."

In terms of housing, tester programs by the Urban Institute and others confirm that whites are far more likely to be shown apartment and other rental units than similarly situated minorities. And it was only a few years ago that an elderly African-American man was literally chased out of his apartment in Vidor, Texas, after he had moved there pursuant to a Federal court order requiring that the all-white housing complex in that city be desegregated. This is why our amendment provides the funds to hire 13 additional civil rights attorneys.

I believe this is the most important amendment we will vote on today. The Serrano-Conyers amendment has the support of the NAACP, the ACLU, and every major ciivl rights group in the country. We have a choice—we can claim to be opposed to discrimination, or we can put our money where our mouth is, and fund the fight against discrimination. I urge a yes vote.

I submit the following letter for the RECORD.

AMERICAN CIVIL LIBERTIES UNION,
NATIONAL ASSOCIATION OF PACIFIC AMERICAN LEGAL CONSORTIUM,
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

June 22, 2000.

Members, U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: During consideration of the fiscal year 2001 Commerce-Justice-State appropriations bill, Congressmen Jose Serrano (D–NY) and John Conyers (D–MI) will offer an amendment to strengthen the Department of Justice's Civil Rights enforcement abilities. This will be achieved by increasing the Department's Civil Rights Division's funding by $11.8 million, thus bringing it in line with the President's budget request. We, the undersigned national civil rights organizations, strongly support the Serrano/Conyers Civil Rights Enforcement amendment and urge to you to vote for it when it comes before you on the floor of the House.

One of the most pressing issues for many Americans, especially those of us of color, is that of police misconduct. Throughout history, Americans of color have been disproportionately subjected to abuse and misconduct by law enforcement officers at all levels of government. Because the problems of abuse and racial bias still exist today, we strongly support this effort by Congressmen Serrano and Conyers to provide additional funding to the U.S. Department of Justice's Civil Rights Division so that it may continue to try to address some of the more serious problems facing our nation today.

Specifically, the Serrano/Conyers amendment would allow the Justice Department's Civil Rights Division to hire 3 more attorneys to fight police "pattern and practice" misconduct. In recent years, this division has been successful in fighting wide-spread police misconduct in Steubenville, Ohio and Pittsburgh, Pennsylvania. Current investigations are on-going in New York, Los Angeles, and Washington, D.C., to name a few. Given the national epidemic of police misconduct,

and the fact that more and more citizens are coming forward, the additional slots appropriated by the Serrano/Conyers amendment are clearly and sorely needed.

The Serrano/Conyers amendment would also allow the Civil Rights Division to hire 5 new attorneys to prosecute criminal violations of existing civil rights laws, including hate crimes, color of law violations and violence directed toward health care providers. In addition to the several well publicized cases of hate crimes against people because of their race or sexual orientation in recent years, the FBI has stated that there were over 8,000 reported hate crimes in the United States in 1998; the actual number may well be double or triple that amount. With the additional funding sought in this amendment, the U.S. Department of Justice Civil Rights Division can play a more aggressive role in assuring that the perpetrators of these heinous crimes are brought to justice.

Finally, the Serrano/Conyers amendment also provides money for 12 new attorneys to enforce the Americans with Disabilities Act, 5 new attorneys to enforce the Voting Rights Act, 2 new positions to fight abuse and neglect in institutions, and 13 new attorney positions to enhance the Justice Department's fight against discrimination in mortgage lending, in-school segregation and employment. As numerous studies, including one by the Eisenhower Foundation, have shown, these slots are very much needed as discriminatin is alive and well in all of these areas. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998; and the United States has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately

In short, we strongly support the Serrano/Conyers amendment as it addresses many of the issues of discrimination and abuse that hold this nation back from realizing its full potential. We hope that you will support Congressmen Serrano and Conyers in their effort and vote in favor of their amendment.

Sincerely,

LAURA MURPHY,
Director, Washington Office, American Civil Liberties Union.

KAREN NARASAKI,
Director, National Asian Pacific American Legal Consortium.

HILARY O. SHELTON,
Director, Washington Bureau, National Association for the Advancement of Colored People.

Mr. Chairman, I also wish to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce, Justice, State Appropriations Bill. The President has requested $173.3 million to provide for the Deptartment of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House have provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our Federal Government. And yet we, in the great Federal Government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crimes rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Serrano-Conyers amendment and applaud them for this work and add my strong support and interest in this area.

As offered, H.R. 4690 cuts the funding requested by the Civil Rights Division by $11.8 million. This is a 12-percent reduction and provides a budget that is $3 million below what is necessary to fight for the Nation's civil rights.

A person's civil rights are his or her most precious assets in America. It is the right of equality and the right to access the courts and to establish the laws of the land and be protected by those laws. It is these rights that help us to establish that we all are created equal and are equal in the eyes of the American legal system.

The Department of Justice Civil Rights Division is responsible for the fair and uniform enforcement of the Nation's civil rights laws. Inadequate funding will ultimately lead to inadequate enforcement of these laws.

The reduced funding will deny requested initiatives to expand the Civil Rights Division's investigation and prosecution of hate crimes.

Two years have passed since the dragging death of James Byrd, Jr., on a paved road in Jasper, Texas. We cannot forget the injustice brought on Mr. Byrd as he was chained and dragged to the back of the truck by his white assailants and dragged over 2 miles until many of his body parts were torn from his body. Not only was he brutally murdered, but his civil rights were denied.

It is important that the Justice Department and the Civil Rights Division can be aggressive in its fight against hatred and discrimination and, as well, the treatment of violence against someone because they are different or have a different view.

Soon we will arrive at the anniversary of the Benjamin Nathaniel Smith Fourth of July raid through Illinois and Indiana, where he murdered and injured innocent people.

□ 1730

He perpetrated these crimes because of the difference in those citizens' religious beliefs or the color of their skin. These are but two examples of the many hate crimes that warrant adequate funding to the Civil Rights Division. Reduced funding will hinder the Division's efforts to carry out pattern and practice investigations and combat incidents of police misconduct. We know that many minorities are targeted by law enforcement for no other reason than their race. Oftentimes people are stopped for no crime other than driving while black or brown. With this understanding, we must entertain the question, what security is available to the people of America when law enforcement is not pledged to adhere to the civil rights of all of us?

The Justice Department is an important element of fighting against that discrimination. As representatives in the Federal Government, we must live up to our duty to provide the best possible life for America's people. This duty includes providing protection from unjust discrimination. This duty includes providing a remedy when such discrimination takes place. This duty also includes adequately funding our government agency responsible for living up to this most important governmental function.

It is important to restore the $11 million back to this appropriation for the Department of Justice Civil Rights Division because we must remember that there are still fights to prevent gerrymandering and to prevent the days of Jim Crow from returning. The year 2000 is a census year and next year we will be dealing with different issues under the Voter Rights Act of 1965.

Inadequate funding will hinder the Civil Rights Division's responsibility to assist in the review of redistricting and other changes as required by the Voter Rights Act. We must ensure that everyone is represented and every vote is a single vote to be represented in the halls of Congress. A vote is a voice. By voting, the American people speak. Every citizen has one voice, one vote. We must take care that every citizen's vote is equally counted and not denied. Providing funding for the Civil Rights Division's review of changes as a result of the census will ensure that each voting district is equally populated. No district should be overpopulated nor underpopulated and minority groups should have the opportunity to have an impact on who is sent to the United

States Congress. We saw that impact in the 1990 census which resulted in an increase in minority representation in the United States Congress. We must not see that denied.

Mr. Chairman, the funding provided by H.R. 4690 is inadequate. I support the Serrano-Conyers amendment to include an increased amount of dollars to make sure that the civil rights of all Americans are protected.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments of my two previous colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. CONYERS).

I also want to talk about another area of civil rights concerns and that is the civil rights of our Native American people. As all of my colleagues know, while this bill overall has many shortcomings as has been just pointed out, there is another glaring example of a shortcoming and that is one that I want to talk about. In a tight-fisted decision that one could only think was a mistake, the Indian Law Enforcement Initiative received absolutely no funding whatsoever in this bill.

Let me explain just what that means. That means that tribal courts get nothing. That means that tribal COPS grants programs get nothing. That means that programs proposed by the administration to make life a little bit better for native peoples get nothing. Not one single cent. To me, that means once again this Congress is shirking its responsibility to our first Americans.

Mr. Chairman, almost nowhere else in this country, in this Nation, is there more need for law enforcement resources than in Indian country. On many reservations crime is rampant. For example, of more than 4,000 FBI cases opened in Indian country, 46 percent involve sexual physical abuse of a minor child, 36 percent involve gang activity involving Indian youth; and we are giving them nothing. Only 1,700 BIA and tribal uniformed officers are available for 1.4 million people. Let me give Members an idea of how that relates to those non-Native American peoples. That is 1.2 officers for every 1,000 people in native country. In contrast, in non-native country, we have 2.8 officers on average; 1.2 on native lands, over 2.8 on nonnative lands.

Let us understand what the consequences of this are. Everywhere else in America, we see homicides going down. The homicide rates on Native American lands, however, are 2.6 times higher than they are for whites. They are higher than any other group in this country. Violent crime has gone down the last few years with murders down almost 25 percent. But let me underscore something. While murders have gone down 25 percent in the rest of this country, on native territories, on native reservations, violent crimes have gone up 90, let me repeat, 90 percent.

What is this Congress' answer to that? Zero, I repeat, zero funding for law enforcement on Native American country. To me, that is absolutely unconscionable. If any one of us in our own districts anywhere in this country had the kind of crime statistics that currently exist on Native American reservations, it would be front page news. Every single talk show would be talking about it. Every story would be reporting about it. But the outrage in this story is there is not any coverage whatsoever. I am sure it has nothing to do with the fact that we all but ignore our native peoples here in this country.

The fact of the matter is we have tried in this bill to get funding for Native American law enforcement. We tried to get the President of the United States' $173 million for this initiative. It would have been an important increase in funding. But what did this bill provide? Zero. Zero funding for one of the most crime-plagued communities anywhere in this country, a region of this country where there is a 90 percent increase in violent crimes while everywhere else sees a decrease of 25 percent. We are giving them zero, zero funding.

Now, if it is your child who is getting molested, if it is your child that is getting killed and this is in your neighborhood, you would be walking down here and protesting right outside this Capitol. The fact is that it is native peoples, native peoples in this country. We ought to be ashamed of ourselves.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to say to the distinguished Member in the well that he is raising an issue about Native American people that we cannot ignore anymore. I commend him for his comments.

Mr. Chairman, I rise today to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce Justice State Appropriations Bill. The President has requested $173.3 million dollars to provide for the Dept. of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million dollars of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House has provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our federal government. And yet we, in the great federal government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crime rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

Mr. KENNEDY of Rhode Island. I ask my colleagues to try to reverse this horrible trend in funding for Native American law enforcement.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Kentucky, the distinguished chairman.

Mr. ROGERS. I thank the gentleman for yielding. The previous speaker obviously has not read the bill, because there is $523 million that the committee added in the local law enforcement block grants section that is available for Native Americans. They need apply to the administration, and the money would be there. I would add, this is money that was not in the President's request.

What did the President request for this program? Zero. This committee added $523 million for Native Americans and everyone else. It does not discriminate against any group. Anybody can apply for those funds. I somewhat resent the fact that the subcommittee has been maligned in this respect because the money is there.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. My point was that we recognize there is an enormous crime problem on Native American reservations. It is not a matter of discriminating for or against our first Americans.

Mr. ROGERS. I respect that. All of us recognize there is a tremendous problem, and that is why we put money in this bill that was not even requested by

the President. I resent the fact that the gentleman maintains that there is nothing in this bill for Native American crime fighting. There is. Up to $523 million.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. The point I am making here is the law enforcement block grant that the gentleman is talking about, as he said, anyone would be able to apply for that. The only trouble is on Native American reservations, we have got a crisis; and it is not a matter of them having to compete with your or my law enforcement community in our respective States. They have nothing. They have a 90 percent increase in crime. The rest of the country has a 25 percent decrease. Yet you are going to throw them in the same barrel as every other law enforcement agency. I am not disputing the fact you added to everyone's ability, but I am saying given the statistics, would it not make more sense to make sure we address specifically the instance that we are talking about?

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

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Of course this is the wrong bill for Native American assistance. That is the Interior bill. What we deal with in this bill is crime. I think we have been very generous in the bill in providing I think probably a record amount for the Local Law Enforcement Assistance Grants that the Justice Department doles out. I would hope that the Justice Department would be fair in listening to the grant applications of Native Americans because the money is there. If the gentleman is talking about general programs for Native Americans, that is the Interior bill, not this one.

Mr. KENNEDY of Rhode Island. I look forward to working with the gentleman to see that our Justice Department awards our Native American law enforcement community the funding that the gentleman has put in the bill so that they can receive the kind of support they need on these Native American reservations.

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

Mr. WATT of North Carolina. I yield to the gentleman from Wisconsin, the ranking member of the full committee.

Mr. OBEY. Just to defend the gentleman from Rhode Island, I would point out, if you look at the spread sheet for this bill, if you look at the line labeled Indian Grants, $21 million requested by the administration. Recommended by the committee, zero. If you look at the line Indian Tribal Court Program, $15 million requested by the President. Recommended by the committee, zero.

So I would suggest that while the tribes may be able to receive some assistance from some general block grant, there is, as the gentleman indicated, no specific assistance in the form of the administration's new initiative.

Mr. ROGERS. If the gentleman will yield further, by the same token, there was no request in the administration's budget for funds for Local Law Enforcement Block Grants. Not a penny. The moneys that we are providing are coming through the Local Law Enforcement Block Grant program which Native Americans would be eligible for, obviously, like everyone else. It is a matter of specifics versus the general category that we put the money in.

Mr. OBEY. I would simply say I grant that, but nonetheless it does not deny the correctness of the gentleman from Rhode Island who indicated that the administration did have a new initiative specifically aimed at dealing with the problems in Indian country and this bill does not contain the funds that were requested in this bill for that purpose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, and returning to the amendment at hand which I understand to be an amendment by the gentleman from Michigan (Mr. CONYERS) to increase funding for the Civil Rights Commission, not that the discussion that just took place was not extremely important, I fully support my colleague from Rhode Island and his efforts to try to increase funding for crime fighting on Native American reservations.

□ 1745

The amendment at hand has to do with how we fund and at what level we fund the Civil Rights Commission. On that point, I would just point out to my colleagues that hate crimes are on the rise. Police brutality is on the rise. Racial intolerance is on the rise.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 3 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, in the last few days, my Republican colleagues have gone out of their way to say that they are trying to reach out to the African-American community and racial minorities in various ways. They have had a big summit here for Historically Black Colleges and Universities at which they took credit for doing all kinds of things that I was not aware of that they were doing for Historically Black Colleges and Universities.

Some of them had a big press conference about all of the efforts that they had taken on behalf of black farmers; and, of course, we had to dispute that at today's press conference. The Speaker and my colleagues on the Republican side have gone out of their way to tell us how much they support a new markets' initiative that they would like to do on a bipartisan basis with the Democrats, and this is the appropriate bill, Commerce, Justice, State, this would be the appropriate bill to fund that through.

I note that there is not anything in the bill that would fund that initiative, yet, we are trying to do away with and not fully support the Civil Rights Commission, whose job it is to go into communities and investigate hate crimes, investigate police brutality, investigate and expose racial intolerance and the problems that we have in this country so that we as a Nation can confront these issues.

What would we rather do with the money? Sure, we would rather get tougher and tougher on crime and increase monies to build prisons. Yet will we adequately fund efforts to reduce intolerance? Will we adequately fund efforts to reduce hate crimes and expose them when they take place, or will we simply be parties to what is going on?

There is just an insufficient amount of money in the budget, in this bill to fund the Civil Rights Commission. There has been a tremendous amount of animus on the Subcommittee on the Constitution which has oversight jurisdiction over the Civil Rights Commission.

They spent probably as much time coming to hearings about various aspects of their operation as they have the opportunity to spend on operating the agency. I think it is time that we fund them and support the Conyers amendment.

Ms. PELOSI. Mr. Chairman, I rise to support Representative SERRANO's amendment to increase funding to enforce and protect the civil rights of all Americans. The Majority bill cuts funding from President Clinton's request for the Department of Justice's Civil Rights Division and would force the Civil Rights Division to reduce its current services. It would also reduce funding for other vital civil rights initiatives. We must take every possible step to ensure that the Civil Rights of all Americans are protected. I urge my colleagues to support this important amendment and provide the needed civil rights funding.

This bill lacks funding for many significant civil rights activities. For example, it lacks funds to investigate law enforcement patterns and practices to address policy brutality. It lacks funds to fight abuse and neglect in nursing homes, juvenile detention facilities, and mental health facilities. It lacks funds to address expected voting rights cases resulting from the Census. It also lacks funds to aggressively investigate and prosecute hate crimes. These initiatives are all very important.

Why does the Majority bill ignore these needs? What is more important than investigating abuse in nursing homes of our vulnerable seniors? Given cases like the recent episode in New York City which terrorized and

sexually assaulted more than 50 women, why can't we fund investigations of potential hate crimes against these women? We should fund these efforts to protect the civil rights of all Americans and ensure our existing laws are enforced.

This bill cuts funds to two important Commissions. It cuts the U.S. Commission on Civil Rights below current services and 19 percent below President Clinton's request. It cuts the Equal Opportunity Employment Commission [EEOC] 10 percent below President Clinton's request. These Commissions deserve our support, play a fundamental role, and highlight vital issues in our national debate.

The bill lacks funds for new and expanded grant programs under the successful COPS program for activities to prevent community crime related to civil rights. For example, this shortfall underfunds the Police Integrity and Hate Crimes training initiative and underfunds police recruitment of diversified applicants that reflect the communities served. These programs serve America's communities of color and we should support them.

I urge my colleagues to support the Serrano amendment and support funding to protect and enforce civil rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was rejected.

The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $77,171,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $77,171,000 of offsetting collections derived from fees collected in fiscal year 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

AMENDMENT NO. 30 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. OBEY:

Page 7, lines 10 and 12, after the dollar amount, insert the following: ''(increased by $20,731,000)''.

Page 90, lines 19 and 24, after the dollar amount, insert the following: ''(increased by $29,793,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Mr. OBEY. Mr. Chairman, this amendment attempts to restore full funding of the President's requests for antitrust activities of the Justice Department and the Federal Trade Commission.

We have had a series of efforts in the Committee on Appropriations to try to deal with the fact that we have an every increasing concentration of economic power in all of our areas of our economy. For example, four companies currently control 81 percent of the cattle purchases and beef processing and wholesale marketing, and in 5 years we have seen the margin between the price paid to farmers and wholesale price for beef jump 24 percent.

Four companies now control 56 percent of the pork market. The margin between the wholesale price of pork and the price paid to the farmer has jumped by more than 50 percent.

We have the same problem with poultry.

We offered an amendment in the full committee, when the agriculture appropriations bill was before it, to try to deal with the problem of economic concentration, to give the Agriculture Department more power to do that, along with the Justice Department, and the majority party voted us down.

Mr. Chairman, we now are seeking to do the same thing in other areas of the economy. I would like to read something that Justice Marshall wrote a long time ago. He wrote this,

Antitrust laws in general and the Sherman Act, in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the bill of rights is as to the protection of our fundamental personal freedoms.

And an article which quoted that statement, an article by Peter Carstensen, (who is a professor of law at the University of Wisconsin and with whom I graduated from the University of Wisconsin a number of years ago,) the article says this:

With respect to concentration power and agriculture, past failure to enforce antitrust law has resulted in increased concentration in both the markets applying to agriculture and in those that process and distribute its products. These 800-pound gorillas trash the agricultural economy to protect and enrich their present and future position in the market. The farmer and rancher increasingly has no voice in shaping business policy, but simply is bound to obey orders issued by others. Once independent farmers and ranchers are becoming the serfs of the 20th century.

Mr. Chairman, I agree that that is what is happening.

If we take a look at the Sherman and Clayton antitrust acts which were adopted by this Congress a long, long time, it would be well to take a look at a speech made at the time by Senator Sherman who was a Republican from Ohio. He said this,

If we will not endure a king as a political power, we should not endure a king over the production, transportation and sale of any of the necessities of life. If we would not submit to an emperor, we should not submit to an autocrat of trade with power to prevent competition and fix the price of any commodity.

And that brings me to the subject of oil and gasoline prices. This amendment is an effort to restore $29 million to the Federal Trade Commission and $21 million to the Justice Department for purposes of trying to assure that we have a fully competitive marketplace. We have heard a lot of noise about the problem of gasoline prices recently. The Federal Trade Commission has recently been asked to investigate gasoline price hikes across the country. Since spring, Midwest consumers are paying considerably higher prices for gasoline, many pay well more than $2.

Price increases of that kind require scrutiny by antitrust enforcement authorities to determine whether they result from collusion or any other kind of anticompetitive conduct. In addition, staff is needed to address this issue. The need for close antitrust scrutiny is particularly clear in the energy industry where even small price increases can strain the budgets of many Americans.

These increases also have a direct and lasting impact on the entire economy. In fiscal years 1999 and 2000 to date, the antitrust arm of the Federal Trade Commission spent almost one-third of its total enforcement budget on investigations related to the energy industry!

The FTC's competition mission is to protect consumers from anticompetitive conduct and that job requires substantial resources. The commission is currently hindered by resources inadequate to fulfill its statutory responsibilities.

The statutory requirements of merger enforcement during one of the most significant waves of multibillion dollar mergers in U.S. history demand the commitment of significant staff and resources to prevent possible future price increases.

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. OBEY. Mr. Chairman, those merger cases draw staff resources away from the commission's nonmerger activities, which often deal with existing continuing harm to consumers.

The Federal Trade Commission has a continuing challenge in determining how to divide its resources between its merger and nonmerger investigations. At the beginning of this decade, the staff distribution for merger and nonmerger work was roughly 50/50. At the end of the decade, the ratio had changed to more than 2 to 1 in favor of mergers.

When nonmerger emergencies develop that require antitrust investigation, such as the present gasoline price hikes, the merger wave has left the FTC with fewer resources to address the consumer harm as quickly and efficiently as warranted.

Investigations such as the gasoline pricing investigation are staff intensive, time-consuming. They require analysis of all facets of a very complex industry. An investigation like this severely strains the competing workload being handled by the Agency's 150 antitrust lawyers.

In this same industry, the FTC recently committed similar numbers of staff for its cases involving the mergers of Exxon, Mobil and BP Arco. Based on those recent experiences, it is clear that the FTC needs additional resources to fill its antitrust mission.

Let me remind you of one other fact. The gentleman from Ohio (Mr. KUCINICH) has done us a service by pointing out these facts. If we compare the net income of major oil companies first quarter to first quarter, you see that Arco is up 136 percent; Amoco, 296 percent; Chevron, 291 percent; Conoco, 371 percent; Exxon Mobil a mere 108 percent; Phillips, 257 percent, Shell, 117 percent and Texaco, ''Trust your car to the man who wears the star,'' was the old slogan, Texaco, a 473 percent increase.

It seems to me that if you want to do something about this, you should heed the words not of me, but of the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, who signed along with the gentleman from Michigan (Mr. CONYERS) a bipartisan letter asking the committee to, quote, ''provide full funding for the Department of Justice's antitrust division and the Federal Trade Commission's Bureau of Competition for this fiscal year.''

Mr. Chairman, I would just add one sentence in closing. The gentleman from Illinois (Mr. HYDE) said this:

> Antitrust laws sustain free markets and dissipate political pressure for government regulation. For that reason, Republicans and, indeed, all citizens should support it wholeheartedly. Unfortunately, some Republicans have criticized enforcement of antitrust laws, claiming that it allows government to regulate the economy and stifle innovation.
>
> On the contrary, antitrust law is the antithesis of government regulation.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, I think the case is clear, we cannot do a lot directly to influence the price being charged to consumers for gasoline or any other product, but we can try to see to it that government has enough resources to keep the rules of the game honest and to enable us to, in fact, find out what the facts are so that we are not all going on myth.

Mr. Chairman, I would urge the adoption of this amendment. It demonstrates whose side you are on.

□ 1800

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. Mr. Chairman, I do.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, I commend the ranking member of the Committee on Appropriations for his very persuasive comments, and I support his amendment to provide full funding to the Antitrust Division and the Federal Trade Commission.

These agencies have the responsibility to enforce our Nation's antitrust laws and keep the economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people not just hundreds of millions, but probably billions of dollars annually. Unlike most other programs we fund, both these agencies bring in revenue through the Hart-Scott-Rodino filing fees, that far exceed their annual budget; and the Antitrust Division alone has brought in about $1.4 billion in criminal fines in the past 3 years.

No one in this House needs to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America. Look at the front page of the newspapers today. You see stories about the proposed mega-mergers, such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobile, to name a few.

Look at the hearing schedule on the Hill in recent years. There have been hearings in both Chambers on the Microsoft case, the rise in gas prices, and the United-U.S. Air merger, to name a few.

So, now, more than ever, antitrust enforcement is vital to our Nation's economic health, and that is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agency's resources. In the last 3 years the filings have increased by 51 percent, and so far this year they are up over 20 percent from last year.

With the additional resources that the Obey amendment will provide to agencies, they can do a better job in these several ways: first, by investigating the increasing number of large and complex mergers; secondly, by pursuing major civil cases in industries that include telecommunications, airlines and health care, to name a few; and, third, intervening to protect consumers from international cartels, like the vitamin cartel.

This amendment should be a no-brainer because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources, fully funding these two agencies will not place any additional burdens on the American taxpayer. They will not take any money away from any other program. But even if we did not fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

Mr. Chairman, please let us move this amendment to a successful conclusion for the antitrust division and the Federal Trade Commission.

Mr. Chairman, I rise in strong support of the Obey amendment to provide full funding to the Antitrust Division and the Federal Trade Commission. These agencies have the responsibility to enforce our nation's antitrust laws and keep our economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people hundreds of millions, if not billions, of dollars annually.

Unlike most other programs that we fund, these two agencies bring in revenue through Hart-Scott-Rodino filing fees that far exceed their annual budget. And the Antitrust Division alone has brought in about $1.4 million in criminal fines in the past three years.

You don't need to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America.

Just look at the front page of the newspaper today, and you see stories about proposed mega-mergers such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobil, to name just a few. Or look at the hearing schedule on the Hill in recent weeks. There have been hearings in both chambers on the Microsoft case, the rise in gas prices, and the United-US Air merger, to name a few.

Now, more than ever, antitrust enforcement is vital to our nation's economic health. That is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agencies resources. In the last three years, Hart-Scott-Rodino filings have increased by 51 percent, and so far this year, they are up 20 percent over last year.

With the additional resources that the Obey amendment will provide, the two agencies can do a better job: (1) investigating the increasing number of large and complex mergers; (2) pursuing major civil cases in industries that include telecommunications, airlines, and health care, to name a few; and (3) intervening to protect consumers from international cartels like the vitamin cartel.

This amendment should be a no-brainer, because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources

fully funding these two agencies won't place any additional burdens on the American taxpayer, and they won't take any money away from any other program. But even if we didn't fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to in one way associate myself with a lot of the comments made earlier, in that many of us are very, very frustrated with the lack of effort in the administration to enforce antitrust laws. Money has never been the issue; and in fact, the workload will be reduced 40 percent this next year because of the increase in the level of mergers, where they become subject to antitrust review. So there is 40 percent reduction in work, while there is an increase in both areas referred to today.

But the fact of the matter is if you want to look at the problem as far as gas prices, which is a huge problem in my home State, in Wisconsin and Illinois and the whole Midwest and throughout the country, is the fact that the administration has done absolutely nothing as far as any review or stopping any of the mergers. The gentleman spoke about Exxon-Mobile, a huge increase in profits. This Justice Department did nothing to stop it.

When you look in agriculture in my home State and the consolidation and what is happening there, the vertical integration, a great concern to my producers out there is, well, will this administration do anything about it? No. And when the Attorney General testified in our subcommittee and I asked her directly several questions back and forth, and she finally threw up her hands and said, ''I don't know what to do.''

This is not a case about money; it is a case about will of enforcement of the law. As long as we have people in this administration who do only pick and choose for other reasons, political reasons, who they go after and who they do not go after, we are never going to have any results on these problems.

So I just respectfully say that there is adequate money. With the reduction of the workload that is going to be forthcoming in this next fiscal year, a 40 percent reduction in case load, what we need actually, Mr. Chairman, is the will of someone in the Justice Department to finally stand up and do their job, rather than give a lot of lip service. We are paying for it today with vertical integration in agriculture, and we are paying for it directly at the gas pump every day.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

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

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

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman from Iowa who just spoke, but I respectfully disagree with his interpretation. The fact is the administration is in support of the amendment I am offering and the administration was in support of the amendment I offered to provide additional resources to pursue antitrust and anticompetitive activities in the agricultural area as well.

This is not a new fight. Three years ago the Senate adopted a number of amendments adding resources so that we could do this very thing, go after anticompetitive practices in the agricultural industry; and in conference the Republican majority unanimously, with one exception, voted against doing that, and we lost the fight.

I would point out it is far from the case to suggest that there has been a 40 percent reduction in workload on these cases in the Justice Department. The fact is it does not matter how many cases you have. What matters is how complicated they are. And today, in this new economy, in this very complicated economy, these issues are many times more complicated than they were in 1910. That is why they need more resources, and that is why I have tried to offer the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, and that was House Report 106–686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and it is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, the Committee on Rules which reported this rule to the House also reported a previous rule to the House under which we debated the legislative appropriations bill today, and the Committee on Rules on that occasion made in order an amendment by the gentleman from Wisconsin (Mr. RYAN) which required a waiver of the House rules.

The Committee on Rules is controlled by the Speaker. It could just as easily have allowed a waiver for this amendment. We asked the Committee on Rules to provide that waiver. It did not. So, unfortunately, the majority has used the rules of the House to effectively block me from being able to offer this amendment. I regret that, but that is in fact the reality. So I must very regretfully concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,247,416,000; of which not to exceed $2,500,000 shall be available until September 30, 2002, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,381 positions and 9,529 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $126,242,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $126,242,000 of offsetting collections collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,000,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $560,438,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent

workyears available to the United States Marshals Service, not to exceed 4,168 positions and 3,892 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 10 years.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $597,402,000, as authorized by 28 U.S.C. 561(i), to remain available until expended: *Provided*, That the United States Marshals Service may enter into multi-year contracts with private entities for the confinement of Federal prisoners: *Provided further*, That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,479,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $328,898,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,229,505,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2002; of which not less than $159,223,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 25,384 positions and 25,049 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

AMENDMENT NO. 9 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. RUSH:

In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $8,500,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—WEED AND SEED PROGRAM FUND'', after the aggregate dollar amount, insert the following: ''(increased by $8,500,000)''.

Mr. RUSH. Mr. Chairman, today I am offering an amendment to supplement the Weed and Seed Program with an additional $8.5 million. The Weed and Seed Program does exactly what its name indicates: it weeds out violent crimes from areas where violent crime is rampant. The program also plants the seeds of crime intervention and prevention.

The Weed and Seed Program is foremost a strategy, rather than a grant program, which aims to prevent control and reduce violent crime, drug abuse and gang activity in targeted high-crime neighborhoods across the country. Weed and Seed sites range in size all the way from several neighborhood blocks to 15 square miles.

The strategy involves a two-pronged approach. Law enforcement agencies and prosecutors cooperate in weeding

out criminals who participate in violent crime and drug abuse, attempting to prevent their return to the targeted area. The seeding aspect of this brings human services to the area encompassing prevention, intervention, treatment and neighborhood revitalization. A community-oriented policing component bridges Weed and Seed strategies. Officers obtain helpful information from area residents for weeding efforts, while they aid residents in obtaining information about community revitalization and also seeding resources.

In today's society, we often hear that people must take responsibility for their actions for their communities. The Weed and Seed Program is proof positive that communities are seeing to it that criminals take responsibility for their action. The program has also proved that people are willing to work with law enforcement agencies and officials on a local level to reduce violent crime in their communities.

There might be those who argue that this amendment will take money away from the FBI's efforts to fight crime in this country. Nothing could be further from the truth. This amendment will supplement, support, and complement the FBI's effort.

Therefore, no matter what side of the argument one is on, we are for the same thing, and that is safer communities.

□ 1815

The Weed and Seed program is simply designed to supplement the efforts of the FBI by detecting and weeding out crimes on a community level.

Mr. Chairman, it is interesting to note that the largest recommended increase in the DOJ's budget will go to the detention of prisoners. I am not against the detention of violent criminals, but instead of an almost $800 million increase for detention, why not allocate a measly $8.5 million for an increase in a program that is about crime prevention. The question is, and I ask, are we really serious about reducing crime, or are we simply interested in building more prisons, more warehouses? If we are truly interested in reducing crime, we must pay as much attention to preventing crime as we do to locking up prisoners. The Weed and Seed program is the perfect way to strike that balance.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would take $8.5 million out of the FBI salaries and expenses, that is personnel. Like all of our State and local law enforcement grant programs, Weed and Seed is maintained in this bill at its current level. There are no cuts. But I would point out that in addition to the money that is directly appropriated for Weed and Seed, the Attorney General is authorized in our bill to direct other Department of Justice funds over to the Weed and Seed program and, in fact, for the last several years, they have asked and we have consented to reprogramming $6.5 million from the asset forfeiture fund each year to the Weed and Seed program. So there is plenty of money, I think, available for the program. If the Justice Department feels at any time a shortage of monies in this account, they can simply reprogram monies from another place toward it.

Mr. Chairman, what I really have a problem with in the amendment is where the monies would come from if this amendment is passed. They would come out of the FBI's salaries and expenses account. Now, we have scraped every portion of the bill we can with limited assets to try to find the money to maintain this war on crime and drugs. The Weed and Seed program is a vital part of it, but so is law enforcement, and we must not cut the enforcement portion of the fight against crime, and we would do so if we cut the FBI by this figure.

Despite our funding constraints, we have tried, Mr. Chairman, to strike a balance to preserve critical Justice programs like Weed and Seed, and, of course, the FBI. So I would urge that we reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Illinois (Mr. RUSH) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RUSH:

In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $5,000,000)''.

In title I, in the item relating to ''COMMUNITY ORIENTED POLICING SERVICES'', after the 1st and 6th dollar amounts, insert the following: ''(increased by $5,000,000)''.

Mr. RUSH. Mr. Chairman, I rise in support of the Community Oriented Policing Services program, or COPS. I am offering an amendment to increase the funding to the School Violence Initiative portion of that program by $5 million.

The School Violence Initiative provides grants to agencies and schools for programs designed to prevent violence in schools. Under this initiative, community organizations and school officials work alongside police officers to prevent gang violence and drug activity in and around elementary schools.

In the wake of the Columbine incident and in the wake of countless acts of school violence in this country, I know that all of my colleagues are eager to join in support of this amendment.

There are millions of children in this country who go to school every day eager to learn and to simply be among their peers. How devastating that these children should have to fear for their lives while in a learning environment. Those children who go to school should not have to fear for their lives while they are in school. School should be sacrosanct.

The Community Oriented Policing Services program is only part of a program that funds, hires, and rehires for police and at the same time pays for equipment. The School Violence Initiative is only a drop in the bucket of what we in the Congress should do to stem the rising tide of school violence. But, it is an important drop in that same bucket. Why do we in Congress cry out in anger and in sadness when there is a school shooting? Why do we wait until a story hits the evening news before we decide that we must do something about violence in schools? Why do we wait until another child dies before we do what we must do about violence in America's schools?

Mr. Chairman, we must put the money behind the rhetoric and fund a program that gives our children a better chance at life. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill already provides significant resources to combat school violence. In fact, it is a matter that we were very concerned about in the subcommittee in our hearings and in the markups. In fact, the bill provides $195 million earmarked to address school violence, including $180 million in the COPS hiring program devoted exclusively to continue the initiative to hire police officers to work in schools full time. That is an initiative which the administration's budget proposed to eliminate, I might point out.

An additional $15 million is also included for grants to local law enforcement agencies and schools to work together to combat school violence. We also provide $250 million for the Juvenile Accountability Block Grant Program that communities can use to address juvenile violence which the administration also proposed to eliminate, I might add.

I would point out that the gentleman's amendment again proposes to cut the FBI's funding that we have provided to them to ensure that they can

address the growing counterintelligence threats and to do their job effectively.

I would point out that there are millions of dollars in this bill already to address the problem with school violence, and to add more at the expense of the FBI would not be right.

Mr. Chairman, I urge rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was rejected.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 9 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on Amendment No. 9 be vitiated.

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

Without objection, the voice vote on which the noes prevailed will be the order, and the amendment is not agreed to.

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great sorrow and a heavy heart. The eyes of the world are upon us and the yoke of justice lays heavy upon our shoulders. But today, Mr. Chairman, justice will not be served.

On this day, June 22, 2000, another man will die in Texas. He will not pass by the mercy and the grace of God; he will be executed at the hand of the State.

I am not here to defend the action of those who sit on death row, but I rise to condemn the taking of life. To kill a man, any man, is not moral, it is not just, and it is not right.

The death penalty is not becoming of a civilized society. It is not worthy of a great Nation. Human life is the gift of the Almighty. Who are we to take that gift away?

This afternoon, a man will die in Texas. A piece of our humanity will die with him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,362,309,000; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2002; of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,484 positions and 7,394 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $5,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Texas (Mr. ROGERS). I want to thank the chairman of the subcommittee for his strong interest and support in increasing Border Patrol staffing.

This issue is of particular interest to me because I represent a northern border district. My district, as well as other areas along the northern border of Washington State, are facing growing immigration and illegal narcotics concerns. I wonder if the chairman would provide me guidance on the likelihood of getting additional Border Patrol agents for the northern border.

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

Mr. NETHERCUTT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman from eastern Washington is correct. We need more agents and support staff on the northern border. In fact, in the House report, we continue to admonish the INS for their failure to address the problems along the northern border, as well as their failure to hire the Border Patrol we have already funded for them. In fact, INS has still not yet hired over 1,700 agents that we provided funding for within the last 2 years.

However, I will note that the Spokane border sector in Mr. NETHERCUTT's district will receive an additional three agents in the near future.

Mr. NETHERCUTT. Mr. Chairman, I agree that the Clinton administration should improve its Border Patrol hiring record. While I am grateful for three additional agents, the Spokane sector which stretches through three States from the Cascade Mountains to the Continental Divide still needs 12 additional agents to get to full staffing.

I understand this process takes time and will continue to work with the chairman and the Immigration and Naturalization Service on this matter.

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

Mr. NETHERCUTT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman. He has been so persistent on this issue, and he has been heckling this committee for a long time on this subject, and I can assure the gentleman that we will continue to work with him. We have made a little progress at his request, and we will continue to do that, and we will continue to work with the gentleman next year, even, on dealing with the problem.

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for his good work on this bill, and certainly on this subject.

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

Mr. Chairman, next week marks a year since Benjamin Smith took to the road in Chicago armed with two handguns. He hijacked a minivan and then began a shooting spree where his intended targets were blacks and Jews and Asians.

What most people do not realize is how easily Benjamin Smith could have been prevented from doing this. When Benjamin Smith went on his killing spree, the two handguns he acquired were acquired illegally by an unlicensed dealer, only days after failing a national instant background check by a licensed gun dealer. At that time, Benjamin Smith was subject to a court order of protection for domestic violence. He was, therefore, breaking the law. He attempted to buy a gun from a licensed gun dealer. Had the local authorities been notified of this instantly, Benjamin Smith would likely have been arrested and would not have gone on to purchase guns illegally and begin his killing spree.

□ 1830

Tragically, the appropriate authorities were not notified of his illegal attempt to purchase firearms until after he had killed two innocent people and injured 9 others.

For those voices in Congress, Mr. Chairman, and those voices across America who argue time and time again that we must do a better job of enforcing existing laws, do I have a bill for them.

Last year I introduced legislation designed to enforce the national instant background check, or NICS system, by requiring the immediate notification of local law enforcement authorities when an individual like Benjamin Smith fails an instant background check, which is a violation of the law.

Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State, and local law, rarely, rarely are such violations reported in a timely manner to proper law enforcement authorities. In all too many cases, law enforcement is not notified that somebody broke the law.

Establishing a timely notification system would allow law enforcement to determine when they believe there is a threat to public safety in their communities. The Illinois State police have established such a program, modeled on my legislation, to immediately notify local law enforcement of such crimes. I hope my colleagues and I can work together with the Justice Department to implement this system on a national level.

The issue of gun safety, Mr. Chairman, is full of contentious issues. This, however, is not one of them. This is about the means of enforcing laws that are already on the books. It embodies a concept that the NRA claims to support, and has the support of groups like Handgun Control.

This is an amendment that helps to enforce the law and prevent those who legally cannot have guns from getting guns. If Members believe criminals with guns should be prosecuted, Mr. Chairman, support this amendment.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's interest in this issue. We have not had time to fully study the issue, but I would be happy to work with the gentleman on this important issue in the hopes that he would be able to withdraw the amendment at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $2,547,899,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 19,766 positions and 19,183 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading ''Enforcement and Border Affairs'', $573,314,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading ''Enforcement and Border Affairs'' between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading ''Enforcement and Border Affairs'' for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,182 positions and 3,279 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 2001, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

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

Mr. Chairman, I want to enter into a colloquy or statement with the chairman. Yesterday, Mr. Chairman, the gentleman and I spoke about the difficulties we have been having in properly servicing legal immigrants in my hometown of Omaha, Nebraska, a highly underserved area by way of services from the INS.

I am pleased to say that the INS and the gentleman from Kentucky (Chairman ROGERS) and the committee and I have come to an agreement, and I will be submitting that for the RECORD under general leave.

I submitted two amendments in order to help remedy this problem, but with the agreement of the INS and the chairman those are no longer necessary, so my intention is to not offer those amendments.

Mr. Chairman, I include for the RECORD a letter from the Immigration and Naturalization Service.

The letter referred to is as follows:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,

Washington, DC, June 22, 2000.

Hon. LEE TERRY,

House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN TERRY: This letter is being provided in response to concerns raised by your staff regarding the Immigration and Naturalization Service (INS) Omaha District Office relocation project. The INS Omaha District Office, like many other INS facilities across the Nation, is severely overcrowded due to staffing increases and increased demand for immigration benefits and

support. However, over the past 5 years, funding for facilities expansion and improvements has not kept pace with the growth in personnel and customers.

The INS began working with the General Services Administration, the City of Omaha, and local INS Management to plan the acquisition of a new facility in FY 1999 and has already invested over $600,000 in the project. In addition, the INS has taken interim steps to alleviate some of the overcrowded conditions at the current office. This includes relocating selected units to temporary space away form the main District Office and acquiring space in a nearby building to provide expanded waiting room area so that our clients would not have to stand in line outside the building in all weather conditions waiting to be serviced.

The INS will proceed with the Omaha District Office relocation project in FY 2001. The remaining estimated direct costs that must be borne by the INS to complete the acquisition and buildout of a new facility are $1.32 million. This will include; the above-standard buildout for communications, holdrooms and alien processing, waiting rooms, armory, alien property, security, furniture, telephone and ADP cabling.

The INS requested $111.1 million for the Construction Appropriation. The House Appropriations Committee has provided $110.7 million. The $71,000 reduction has no affect on the resources budgeted for the Omaha District Office project. The funding for the Omaha District Office acquisition and buildout is included in the level provided by the Appropriations Committee.

The present plan is to pursue the acquisition and buildout of a new facility on an expedited basis in FY 2001. Once the FY 2001 Commerce, Justice, State Appropriation Bill is singed into law and the funding is made available to INS, the new facility can be ready for occupancy within 18–24 months.

The INS considers the relocation of the Omaha District Office a very high priority. We hope this addresses your concerns. Please contact either Gerri Ratliff on 514–5231 or Barbara Atherton on 514–3206 if more information is needed.

Sincerely,

GERRI RATLIFF,
Acting Director, Office of Congressional Relations.

BARBARA J. ATHERTON,
Deputy Assistant Commissioner, Office of the Budget.

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

Mr. TERRY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we were happy to work with the gentleman. He has been very persistent in trying to solve this problem. I think we have been successful, and we look forward to working with the gentleman further on it as the need may arise.

Mr. TERRY. I thank the chairman.

REQUEST FOR PERMISSION TO OFFER AMENDMENT BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment, page 19, line 2.

The CHAIRMAN. Would the gentlewoman send the amendment to the desk?

Mr. ROGERS. Mr. Chairman, may I inquire which amendment we are discussing?

The CHAIRMAN. The clerk has read past the point where the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) was in order.

Does the gentlewoman from Texas ask unanimous consent to return to that portion of the bill so she can offer her amendment?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I am not sure which amendment it is we are being asked to consider.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 19, line 2, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

Page 22, line 16, after the dollar amount, insert the following: ''(reduced by $24,000,000)''.

Mr. ROGERS. Mr. Chairman, I am constrained to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $110,664,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 707, of which 600 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,475,769,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2002: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed three years and seven additional option years for the confinement of Federal prisoners.

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. CAMPBELL:

Page 23, line 2, after the dollar amount, insert the following: ''(reduced by $173,480)''.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR), who is the cosponsor of this amendment.

Mr. Chairman, most Americans do not realize, and when they do, they express great surprise and disappointment, to learn that we keep people in jail in our country on the basis of evidence that they have not seen. This shocks and surprises Americans, because we tend to believe that this is a violation of our Constitution, and indeed, it is, as every court which has been called upon to rule has so held.

But the Department of Justice has not followed this across-the-board, and it has applied the rulings of a court in a particular case only to the facts of that case, so that today, on the best information we have available from hearings that were held in the Committee on the Judiciary, eight people remain in jail in the United States on the basis of evidence that they have not seen.

How is this possible? The Constitution of the United States says that ''No person . . . shall be deprived of life, liberty, or property without due process of law.'' No person. These are persons. The argument is given by the Department of Justice, well, they are not citizens, so we can treat them differently. The Constitution does not say ''citizens'' in that clause, it says that no ''person'' shall be deprived of life, liberty, or property without due process of law.

If someone is in jail, they are deprived of their liberty. There are no two ways about that. Yet, when the cases are brought, the Department of Justice chooses not to appeal, just limiting the holding to that case. And so today eight people remain in jail on the basis of evidence they have not seen.

There is an argument that is raised sometimes that if one is an immigrant, they are not entitled to the same kind of rights because they do not have a right to come into this country in the first place. I understand that. That is an argument the Supreme Court has accepted in several contexts. But that has to do with excluding somebody, keeping them from coming in, in the first place.

In the case of one individual, Mazan al Najjar, whom I went to visit personally in jail in Florida, he had been in this country for over a dozen years. He was a professor at a university in Florida, a man with a family, with children, viewed by all as a pillar of the community.

When I spoke with him, I asked him what had happened. He said that the FBI and INS came in and seized him in front of his children and took him away in handcuffs, and he has been in jail for over 3 years, Mr. Chairman, over 3 years. He said (I do not know this from the INS but from him); he said the INS offered him citizenship if he would only tell on other relatives. He would not, because he had nothing to tell.

This attitude of treating people who are not yet citizens differently is not consistent with fundamental fairness. If there is evidence that an individual who is in this country is dangerous to our country, then make that case on the basis of evidence that is presented to the individual, so he or she can confront the evidence and present a defense.

That is what we do with those we suspect of terrorism if they happen to be citizens. If should not be any different if they just happen not to be a citizen, and yet that is what has been done.

Mr. Chairman, this issue has come before the District of Columbia Circuit Court of Appeals, before the 9th Circuit Court of Appeals, before the Federal U.S. District Court in New Jersey, before the Federal District Court in Florida, and every time it has come before these courts it has been held to be an unconstitutional practice.

It thus became the subject of a bill that my distinguished colleague, for whom I have the highest admiration, the gentleman from Michigan (Mr. BONIOR), authored, which was the subject of hearings in the Committee on the Judiciary.

I want to take a moment now and thank the subcommittee chairman, the gentleman from Texas (Mr. SMITH), and the full committee chairman, the gentleman from Illinois (Mr. HYDE), for graciously offering us an opportunity for a hearing for us to present this situation in our country.

Mr. Chairman, during this hearing we learned that the INS is continuing this process, and that eight people remain in jail today. So what I did in this amendment is to take the average cost of keeping one person in jail in the United States prison system and multiplied it by eight. That comes up to $173,480. I think we speak about millions and billions so often around here, Mr. Chairman, that we can forgive the House Action Reports, but for anyone hearing my voice, this amendment was reported in that source as costing $173 million. It is not, it is $173,000. It is just that we get so used to the big numbers around here.

But this amendment, offered by myself and my colleague from Michigan and my other colleagues, the gentleman from South Carolina (Mr. SANFORD) and the gentleman from Illinois (Mr. LAHOOD), cuts that amount of money out of the budget.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(By unanimous consent, Mr. CAMPBELL was allowed to proceed for 30 additional seconds.)

Mr. CAMPBELL. Mr. Chairman, my amendment cuts that money out. This amendment cannot legislate. It does not touch the law, because we cannot legislate on an appropriation bill.

What it does, though, is to give each of us a chance to go on record in a symbolic way, that is all we can do, but in a very important way, and say, this is not the America that we want.

I urge Members to please vote yes on the Campbell-Bonior-Sanford-LaHood amendment.

Mr. BONIOR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, let me thank my colleague, the gentleman from California (Mr. CAMPBELL), for his leadership on this issue, and thank the ranking members of the subcommittee for being gracious enough to allow us to have a debate on this.

This is a basic, fundamental issue of justice, no more basic than I think any piece of legislation that I have had to deal with in my years in this Congress.

Mr. Chairman, if Members can imagine a college-educated professional living in a sophisticated city, a respected member of the community working with children, who has been there 19 years, is a marriage counselor at the mosque, a loving father with three children under the age of 11, and then one day, unbeknownst to the person, the police and the FBI with a newspaper photographer come into the home, arrest the person in front of his family, takes him away.

He has been in jail now for 3 years. They will not tell him why they arrested him, they will not tell his attorney why they arrested him, and he has no idea how long he will be there. In those 3 years, Dr. Al Najjar has not been able to see his children but three times to hug his children.

I have raised this case with the President of the United States, Mr. Burger, with as many people as I can across the country. It is an outrage that we have a body of law that allows this to happen in the United States of America, with no trial.

What about the secret evidence? The person is told it is secret, so they cannot tell him what it is. It may sound like Franz Kafka, but it happens here in the United States. Regrettably, we have had a tradition in this country of looking at specific groups historically, singling them out, and treating them in the same fashion, whether it was the Native Americans; African-Americans, termed three-fifths of a human being in our Constitution; Japanese-Americans, who were taken from their homes and interned during the Second World War, 120,0000 of them; members of the Jewish community interned, or not interned but discriminated against during the McCarthy era, and now the Arab-American and the Muslim community are suffering from the same kind of persecution.

Mr. Chairman, we need to stop this. The amendment that we have before us would do just that. It would take the money that is keeping these folks incarcerated and eliminate it from the bill.

Let me just say that in the instances where this evidence has been considered in a court of law, it was found to be unsubstantiated hearsay, and in one case, in the U.S. District Court for the Eastern District of Virginia, they said, ''The use of secret evidence against a party is an obnoxious practice, so unfair that in any ordinary litigation context its unconstitutionality is manifest.''

□ 1845

Four Federal courts now have ruled on this important issue. In fact, no fewer than four have ruled on this issue. That is why this amendment is so important. By cutting off all funds used to detain people based on secret evidence, we will send a message that this Congress still believes that the right to confront one's accuser is an important part of our Bill of Rights and our Constitution. To hear the evidence against one is an important part of our Bill of Rights and our Constitution. The right to a speedy and a fair trial is as sacred today as it was when the Framers drafted our Constitution.

Mr. Chairman, today we have the opportunity to stand up and say we oppose the use of secret evidence, not because our commitment to combatting terrorism has grown weak, but because our love for the Bill of Rights has never been more strong.

Mr. Chairman, I urge my colleagues to vote for this amendment. If we vote for this amendment, we will send the message that the government then either has to charge these individuals and let them know why they are being charged or they have to be let go. That is the way of this country, that is the way of this Constitution, and that is how we should reflect in our vote this evening. I ask my colleagues for their support on this amendment. I thank, again, the gentleman from California (Mr. CAMPBELL) and others who have sponsored it.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment from the gentleman of California (Mr. CAMPBELL). In the amendment and in his underlying legislation, which has strong cosponsorship from both sides of the aisle, he asks a fundamental question: Should anyone in this country be held without being given the opportunity to face their accuser and to review the evidence that has been put forward against them? The simple answer is no. This is brought forward by the concern that we all share for the fundamental rights enshrined in our Constitution and for the fundamental concern that we all share for the rights of due process.

The cosponsors of this legislation, and I would assume the range of Members that will vote in favor of this amendment, do not agree on many issues. They come from the center, the left, the right, and from all different perspectives on the issues of crime and punishment and how we view our own role as Federal legislators in dealing with crime and punishment.

But we share one fundamental value, and that is to protect the integrity of our judicial system, to protect the integrity of the fifth amendment, which should protect everyone in this country from being held without due process.

We do not make judgments on their guilt or innocence of those that are being held, but we make judgment on the right or the wrong of preventing them from reviewing the evidence that has led to their incarceration. I think the gentleman's amendment is modest, but it makes a principled point that no one should be held without being able to face their accuser. I am pleased to support the amendment and pleased to support the underlying legislation as it moves through the committee process.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I move to strike the requisite number of words on the Secret Evidence Repeal Act to urge everyone's full support of the Campbell-Bonior amendment. This is a cohesive force. The gentleman from New Hampshire (Mr. SUNUNU) is absolutely correct from all spectrums on that political horizon. So this is good. This is healthy for all of us that the entire spectrum of political opinion is supportive.

The United States of America is a Nation based on fairness and opportunity. The cornerstone of our judicial system is the right of the accused to know what one is accused of and to see the evidence the accusation is based upon. This is very fundamental. Our laws do not extend this protection to noncitizens who are suspected of terrorism.

Instead, the INS uses secret evidence to interfere with applications for immigration benefits and even to detain and deport the people. The INS has gone far beyond the IRS in being public enemy number one. The Secret Evidence Repeal Act prohibits the use of secret evidence in INS proceedings and guarantees that anyone detained for deportation will have legal representation and an opportunity to review all of the evidence being used against them.

Today's amendment, the amendment of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and I am proud to be cosponsor of it, is important because it cuts funding from the account used to detain those immigrants on the basis of this secret evidence. Supporting this amendment is supporting due process, quite frankly, the American way across the political spectrum.

I support this bill and support the amendment because I believe in the right of every American, every American resident to be treated with equal justice. We are a country of many backgrounds, many faiths. We have an obligation to treat all residents with the same respect and fairness.

I urge all of us to support the amendment because we are not a Nation of justice for some, we are a Nation of justice for all. This is a good deal for America.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and the sponsors of this legislation, seek to find a solution for one of the delicate balancing acts in a democracy; and that is, how we protect individual rights and liberties and freedom while protecting the Nation as a whole from threats to its national security.

I would submit that this amendment is both unnecessary and unwise. We do not have to look very far to think of a hypothetical that this amendment would make a reality. Let us imagine for a moment that the Immigration and Naturalization Service, in cooperation with the other Federal agencies, all of which oppose this amendment, seek to detain someone for exclusion from the country because they have evidence that he is a terrorist. The evidence that he is a terrorist is that he has been photographed and spotted making bombs at secret locations throughout the Middle East or throughout China or throughout Texas or throughout South America.

The only way that they could hold him or to detain him would be to show him this information about this terrorist, the photographs that they have, the information that they have of where these cells are located.

It is intuitive, Mr. Chairman, that revealing that type of information to a terrorist undermines our ability to stop terrorism. It is unfortunate, it is problematic, but it is a fact of life that we deal with information very often in this Chamber and in the halls of government, that it is a protection that we keep secret. We collect it in secret. We use it in secret. It is an awkward co-existence with our beliefs that people should have a right to every piece of information being used against them.

But one also does not need to look at hypotheticals. When Sheikh Omar Abdel Rahman, who was on trial for conspiracy to blow up the United Nations and tunnels and Federal buildings in my hometown of New York City, when information was being considered about his application for asylum, the judge considered that information in private, in secret. This was challenged in court in Ali v. Reno, and it was upheld. The court said at the time that there are some instances where it is absolutely essential that the secret information that is collected by government be used in secret.

It is also unnecessary, this amendment, because the Justice Department has recognized that some of the things that the gentleman from Michigan (Mr. BONIOR) and some of the things that the gentleman from California (Mr. CAMPBELL) have pointed out are problematic and need to be addressed. They are in the process of a very difficult analysis of every single one of these cases to make sure that no suspect is held without justification.

Can I say with certitude that, if we pass the amendment or if we do not pass the amendment, that someone who is innocent of any crime might not be detained and might not be inconvenienced and might not feel a violation of his or her rights, I cannot say that. But I can say that by passing this amendment and other efforts to categorically, across the board, deny the use of secret information would do, I believe, irreparable harm to our ability to stop terrorists before they come into this country.

We frequently speak with two voices. We here speak eloquently, and I say there are no two men who I respect more in this body than the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) about our need to defend civil rights and liberties. I take a back seat to no one in that regard.

But by the same token, we pass laws around here that send the message to our law enforcement authorities we want them to stop terrorism before it gets a chance to get off the ground and stop it before it comes through this country.

When we had an experience in this country where someone successfully brought a bomb into the World Trade Centers and ignited it, there was naturally concerns about whether or not we were doing enough to stop terrorism.

This bill would gut the Anti-Terrorism and Effective Death Penalty Act of 1996 and a whole series of other bills.

I do not question for a moment the goodwill of the sponsors of this bill, but I do urge them all to think carefully about what information we would be required to be made public.

Let me just conclude. I started with a hypothetical; let me end with a hypothetical. Let us assume in that hypothetical they had turned over the information. That was one option. The other option under this legislation, the amendment we are considering today, is they let the person go free, they let the person into the United States, they let the person come in here and, God forbid, do the damage that they sought to do when they came to this country. Neither scenario is a good one.

The sponsors are right that the present law and the present method of doing anything needs to be improved, but I do not believe the alternative is better.

Mr. Chairman, I gladly yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank the gentleman from New York for yielding to me. I wanted to raise a point with him.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from New York (Mr. WEINER) has expired.

(On request of Mr. BONIOR, and by unanimous consent, Mr. WEINER was allowed to proceed for 2 additional minutes.)

Mr. WEINER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the reason I want to raise that is because there was a trial, and people were provided with an opportunity to defend themselves and charged except for one individual. His name was Hany Kiaraldeen and Hany Kiaraldeen spent 19 months in jail on secret evidence. When he finally got to the court, and he was part of the charge here in the World Trade bombing, and when he finally got to the court, I would tell the gentleman from New York, the court and the judge looked at the evidence, and they decided that it was not corroborated, that it was an estranged spouse who had a beef against him that kept him in jail for almost a year, more than a year and a half of his life. He could not see that evidence for a year and a half.

So that is the kind of individual we are trying to protect. Had he been able to see the evidence earlier, he could have made his case, he could have gone to court, and he would have been free today. But that took 2 years almost out of that man's life.

Those are the kind of people we are trying to protect, not the people who engage in terrorism. We do not condone that for one second, but we do not want people like Hany Kiaraldeen, and Nasser Ahmed and Mazen Al-Najjar who have spent 2 and 3 years in jail who have suffered as a result of not being able to confront their accuser.

Mr. WEINER. Mr. Chairman, reclaiming my time, I appreciate it, and that was an example of what this amendment seeks to address.

What this amendment does not seek to do but may do is allow the freedom for cases like Mohammed Abu Marzook, the leader of the political wing of Hamas, where that secret evidence was used in the INS detention proceedings and exclusion proceedings against him, and it turned out, I think many of us would argue, he did indeed pose a threat.

I do not argue the contention for a moment that the process that we use must be perfected. I, however, believe that by doing it in such a Draconian way is not wise.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Campbell–Bonior amendment to cut funds from the account used to detain immigrants on the basis of so-called secret evidence. My reasons are very simple. Basic human rights and due process under law are cornerstones of our democracy. They are too easily undermined for immigrants. I believe, however, that in the United States our Constitution provides protections to all individuals, citizen and alien alike.

□ 1900

And the use of secret evidence as a means to detain somebody for months or even years without legal recourse is a violation of basic due process. It is that simple.

Mr. Chairman, we are a Nation of immigrants. With the exception of Native Americans, our ancestors came here from all parts of the world. Our families and our communities are the living legacy of immigrants seeking new opportunities in America. Often they were fleeing nations where they had no rights, where they were denied due process and equal justice. It is because of this history that we as a Nation of immigrants cherish our rights to due process in the courts. These include the right of the accused to face their accuser, and to see, hear and respond to the evidence presented against them.

Judges who have ruled on secret evidence in several immigration cases have determined that the defendants should be released from jail because not only did the secret evidence not appear related to protecting national security interests, it was determined by the judges to be unreliable.

It seems to me that the use of secret evidence is a feature of totalitarian governments, not of a democracy, and certainly not of the United States of America. Clearly, we must protect all Americans from acts of terrorism and from those who plan or carry out such acts. No one, Mr. Chairman, absolutely no one in this body, would put our Nation at risk from a terrorist attack. But this is America, and even in those instances, evidence must be solid and able to withstand just additional scrutiny.

Time after time it has been demonstrated that we have the ability to apprehend and successfully prosecute truly dangerous terrorists, such as those who bombed the World Trade Center. But our national security also depends on the strength of our democratic institutions and on the fairness of our courts. I urge my colleagues to support the Bonior-Campbell amendment.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would, I am sure unintentionally, jeopardize our national security and endanger public safety. Often the Government obtains classified evidence which, if provided to terrorists and made public, would gravely endanger U.S. agents and weaken U.S. intelligence sources.

When the Government uses classified evidence to remove a terrorist, the terrorist often delays the deportation with lengthy court appeals. Usually the terrorist must be detained during his appeal, since Justice Department studies show that more than 90 percent of criminal or terrorist aliens are likely to abscond. This amendment would eliminate the funding used to detain terrorists if classified evidence is used against them. This would force the Justice Department to choose between either letting terrorists go free within the United States or revealing classified evidence that could expose U.S. agents abroad and compromise U.S. intelligence operations.

In sum, this amendment would make the Government release terrorists regardless of the consequences. It would effectively require the Government to release terrorists and suspected terrorists who are now in custody and who would then be free to commit other terrorist actions. The use of classified evidence against terrorists is a rare but vital law enforcement tool that must be managed carefully by U.S. intelligence and law enforcement agencies.

The Justice Department is now conducting a review of all pending cases to ensure that individuals are not held without justification. Meanwhile, it would be dangerous to abolish all use of classified evidence against terrorists.

This amendment is opposed by the Justice Department, the Anti-Defamation League, and other law enforcement and intelligence agencies and anti-terrorist organizations. I urge my

colleagues to oppose this amendment, too.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we struggled with this question in the Committee on the Judiciary 4 years ago when this was adopted. I yield to no person in my abhorrence and opposition to terrorism. The World Trade Center explosion occurred in my district about 6 weeks into my first term of office. But I also yield to no one in my regard for due process of law and for the basic protections that we have held to protect the liberties of people ever since Magna Carta. And the use of secret evidence is fundamentally abhorrent to every concept of due process and the rule of law of every Anglo-Saxon legislative chamber and concept of law we have had for the last 900 years or so.

We have to balance some considerations. There are terrorists in this world, and they pose a threat. There are also spies who steal atomic secrets, and they pose a threat. This Congress passed a number of years ago the Classified Information Protection Act, CIPA, which deals with crimes, not with immigration; which deals with espionage, and gives people accused of serious crimes of espionage far more rights when secret evidence is sought to be used than does this law with respect to immigrants of whom we suspect they may be involved with terrorism. There is no reason why we should not give those immigrants the same due process rights, if they are accused of terrorism, as we give to people accused of stealing atomic or other secrets or of espionage or of other serious crimes.

I am not comforted to hear a colleague talk about how the State Department assures us, or the Immigration and Naturalization Service assures us that they use this terrible power of prosecuting people with secret evidence sparingly and with discretion and with sensitivity. If history teaches us anything, it is that we trust no man with such power because that way lies tyranny. We can strike a much better balance.

This law, which this amendment seeks to render inoperative, says that if in the judgment of somebody, if they can go to the judge and persuade him that evidence is too sensitive to be made public, then that evidence can be used against the accused if they give him a summary of the evidence sufficient to provide a defense. Not as good a defense as if he knew the evidence, but a defense. Any old defense. And if they judge even that too dangerous, they can still use the evidence. So a man can be placed on trial, or a woman, and ask: What am I accused of? We can't tell you. Who are the witnesses? We can't tell you. What are the allegations? We can't tell you. What is the evidence? We can't tell you. Go defend yourself. Ridiculous. Impossible.

The Classified Information Protection Act says, and this is what we rely on in espionage and other serious criminal cases, if evidence is too sensitive to reveal, the evidence can be used if a summary is provided to the accused sufficient, in the opinion of the judge, to enable the accused to mount a defense as effective and as good as if he had seen the evidence itself. Not any old defense. And if he cannot be given such a summary sufficient to enable him to mount as good a defense, because it is thought to be too sensitive, then the information cannot be used.

We think the safety of this country has been adequately served against atomic spies and against people who seek to do all sorts of other crimes against this country with this use of secret information, this limited use of secret information and this balancing of the rights of the accused. Why should people accused of terrorism who are immigrants be any different? This CIPA law strikes a much better balance. It gives adequate protection to the need for the public for safety, but it does not rip asunder every tradition we have had that makes us different from totalitarian countries.

So I applaud the gentlemen for offering this amendment. I hope it is adopted. And I hope whether it is adopted or not, it will spur us to do the one simple act that will properly safeguard our liberties and our safety, and that is to extend the CIPA law from criminal law, which it covers, to the question of immigration, which it should equally cover; and we will then not need that Draconian and this insensitive and this illiberal and this anti-libertarian law.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I want to thank the gentleman from California (Mr. CAMPBELL) for bringing this amendment to the floor, along with his colleague, the gentleman from Michigan (Mr. BONIOR). This is a crucial amendment. It is vital that we pass it.

This is truly a civil libertarian issue. It does go back to 1215 with the Magna Carta. It is not an American invention, that people should be protected and not convicted on secret information. This is not something new. However, it has been abused for hundreds of years at least. It has been abused by totalitarian governments.

Now, many may say today that this is not a big deal; this is not going to affect the American citizens; it is just a couple of poor old immigrants that may be affected. But what is the motivation for the national ID card? It's good motivation to make sure there are no illegal immigrants coming in. So it's said we need a national ID card. But who suffers from a national ID card? Maybe some immigrants, and maybe there will be an illegal one caught? But who really suffers? The American people. Because they will become suspect, especially maybe if they look Hispanic or whatever.

Well, who suffers here? Well, first the immigrant who is being abused of his liberties. But then what? Could this abuse ever be transferred to American citizens? That is the real threat. Now, my colleagues may say, oh, no, that would never happen. Never happen. But that is not the way government works. Government works with incrementalism. It gets us conditioned, gets us to be soft on the protection of liberty.

Our goal should not be to protect the privacy of government. Certainly we need security, and that is important; but privacy of government and the efficiency of government comes second to the protection of individual liberty. That is what we should be here for. I wish we would do a lot less of a lot of other things we do around here and spend a lot more of our efforts to protect liberty. And we can start by protecting the liberty of the weak and the difficult ones to defend, the small, the little people who have nobody to represent them, the ones who can be pushed around. That is what is happening, all with good intentions.

The national ID card is done with good intention. Those who oppose us on this amendment, I think they are very, very sincere, and they have justifiable concerns and we should address these. But quite frankly, killing and murder for a long time, up until just recently, was always a State matter. This is rather a new phenomenon that we as a Federal Government have taken over so much law enforcement. That is why the Federal Government, when it sets this precedent, is very bad.

So I plead with my colleagues. I think this is a fine amendment. I think this not only goes along with the Constitution, but it really confirms what was established in 1215 with the Magna Carta. We should strongly support the principle that secret evidence not be permitted to convict anyone in an American court.

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

Mr. PAUL. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the gentleman asked a very good question, whether this could ever extend to citizens. Let me suggest to the gentleman that I visited Mazan Al Najjar in jail in Florida. His little daughter is an American citizen. He cannot hug her. His wife is an American citizen. He cannot visit with her. His sister is an American citizen. He has to see her through Plexiglas.

Has it already affected American citizens? It has. And if it was not true, any of those things I just said, this practice still affects American citizens,

because each of us is less free when our country is less free.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to express my appreciation to the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for bringing this issue before the House in this way. It is about time that this body faced this issue squarely. We have been ignoring it now for too many years.

It was only several years ago that a bill came before us which changed the way we deal with immigrants in very stark and dramatic ways. I am one of those who voted against that bill at that time because I was fearful that the kind of circumstance that this amendment addresses would arise, and it would arise all too soon. And most certainly it has.

The gentleman from California (Mr. CAMPBELL), I think in his opening remarks, put it very, very well. The fundamental right of any person to face their accuser and to know the basis upon which that accusation is made is, and ought to be, ingrained in our law, in our being, in our essence, in our society, in every way; and we ought to fight and struggle to the utmost of our ability when anyone tries to take it away from us.

□ 1915

This is the way liberty is lost, by degrees, by inches, incrementally, not by huge gaps but by tiny measures, by tiny measures that grow into larger ones and larger ones and larger ones. First, it is this small group of people who are affected; and we ignore them because they are not us, they are not of us. And then it is another group, and then another, and another. And before we know it, it is those who are around us, those who are of our blood, those who are us ourselves.

That is the problem that we are facing here. And today we are offered a remedy. It is a good and proper remedy. I hope that we will have the wisdom to take it.

I thank these gentlemen for giving us this opportunity. It is, in fact, about time that this House face this issue.

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

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to say that I agree with every word that the gentleman from New York (Mr. HINCHEY) has said. I also agree with the words of the gentleman from New York (Mr. NADLER). I want to congratulate both sponsors of this amendment.

This may seem like a very small thing. But liberty is the biggest thing of all; and if it is not fully provided for every individual, then it is really safe for no one.

I really believe that if this is adopted today, this will be the most important thing in what is otherwise a very questionable bill.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those remarks, and I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is probably not two times in a year that I agree with the gentleman from Michigan (Mr. BONIOR) but I do on this bill, and with the gentleman from California (Mr. CAMPBELL).

I was in Hanoi and we had Americans incarcerated in their jails, and not even Pete Peterson or one of his representatives were allowed to be present during the trial. We think that is terrible.

In China, they can go before a tribunal, an American, and not even have an English interpreter to let them know what they are charged for.

My colleagues can imagine what it was like with Saddam Hussein or those kinds of things. And most of the American people repel those kinds of ideas.

This is the United States of America.

Now, I would tell people, if they are illegals coming into this country, if they are Irish coming into this country, I just want to give them a ticket back home. But I want to tell my colleagues we have those illegals dying in our deserts, in our mountains, and in our rivers. That is wrong, and we ought to stop that. But I would give them a ticket out of here.

Whether they are legal or illegal, they have a right if they are brought and tried in this country or held in jail, it ought to be an inalienable right to at least know what they are charged for.

I mean, I cannot even comprehend the United States of America putting somebody in jail and not letting them know what the evidence against them is. It is inconceivable.

I rise in strong support of this amendment.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the 104th Congress, when we passed the effective death penalty and anti-terrorism law, which covered some of this material, I remember that several Members raised concerns about this particular provision. I also remember that, right over here, a more senior Member tried to quell any fears people had by saying, do not worry, this will never apply to American citizens. This will never apply to American citizens. That is probably true.

It is also true, Mr. Chairman, that the American people would never tolerate the treatment that non-citizens have endured under this doctrine. We expect in this country that our rights and protections come not from the citizenship of the defendant but from the changeless values of the Constitution and the Bill of Rights.

I think many Members are unaware of how this doctrine actually operates. I would ask that my colleague the gentleman from California (Mr. CAMPBELL) engage in a colloquy with me so that we may explain exactly what happens to people who are arrested under this doctrine.

Can the gentleman tell me specifically, when someone is arrested under this particular provision, what is he told when he is brought into the police department?

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

Ms. RIVERS. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the person is told that the Immigration and Naturalization Service is detaining the person pending possible deportation.

Ms. RIVERS. Mr. Chairman, reclaiming my time, is he told what he is charged with or what he has done wrong?

Mr. CAMPBELL. Mr. Chairman, if the gentlewoman will continue to yield. The individual is not told what he has done wrong or what he is charged with. He is simply told that he is subject to a deportation proceeding.

Ms. RIVERS. Once he is incarcerated, is held awaiting further proceedings, if his family comes to the place that he is being held, can they find out what charges are being put against him, what evidence might exist, what is happening to him, when they might see him?

Mr. CAMPBELL. Neither the family nor the individual is told the specific reasons for the person being held pending deportation. They do not have access to the evidence which is alleged to be the basis for the deportation. And they do not know how long their loved one is going to be kept in jail pending deportation.

And from personal experience, I know one family who tried to find some country to take their father and husband and they are still trying, and he has been in jail for 3 years.

Ms. RIVERS. Once charges are actually filed, does the accused get to find out what evidence the Government has against them relative to the crime that they are charged with?

Mr. CAMPBELL. In crime, yes. The sixth amendment to the United States Constitution explicitly guarantees, and I read, ''In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.''

Ms. RIVERS. But under this particular doctrine, does the individual have a right to find out what evidence is being used against him?

Mr. CAMPBELL. Under the view of the Immigration and Naturalization Service Department of Justice, the individual does not.

Ms. RIVERS. Does this individual have a right to know which witnesses have given evidence against him?

Mr. CAMPBELL. Under the view of the Department of Justice and the INS, no.

Ms. RIVERS. Once this individual has an attorney and has engaged an attorney, can the attorney see the evidence that is being used against his client?

Mr. CAMPBELL. No.

Ms. RIVERS. Can the attorney know what witnesses' testimony are going to be used, and can they depose those witnesses?

Mr. CAMPBELL. No. The witness gives the evidence solely to the Immigration and Naturalization Service judge. The attorney on the other side does not know their identity nor have the ability to cross-examine.

Ms. RIVERS. How, then, can the attorney prepare a defense for this particular individual?

Mr. CAMPBELL. The attorney attempts in those cases where they have some opportunity to prove a negative, to say that, my client has been an upstanding member of the community for so many years. And in those cases where we have been able to find out the truth, we frequently find that the secret evidence was erroneous testimony, a wrong identification, or in some cases even a spiteful identification.

Ms. RIVERS. Mr. Chairman, can the gentleman think of any circumstances where an American citizen here in the United States would be subject to the same sort of treatment?

Mr. CAMPBELL. It is quite clearly unconstitutional to apply this practice to any citizen in the United States.

Ms. RIVERS. Mr. Chairman, I thank my colleague for his comments.

Mr. Chairman, Franklin Delano Roosevelt, in speaking to the Daughters of the American Revolution, said, ''Remember always, we are all the children of immigrants and revolutionists.''

And we are of, most of us are just a few generations away from immigrants. And, unfortunately, many of us are only a few decisions of this body away from the kind of treatment we are discussing tonight.

Our history, our view of justice, and our allegiance to our Constitution demands that we eliminate this offensive practice.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply rise and join and applaud the efforts of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) to repeal the secret evidence provision, which I think, or at least hope, came as an unintended consequence of the Antiterrorism and Effective Death Penalty Act of a few years ago.

I say that for a couple of different reasons. But one of the reasons I say it came in part from an article that I read in, of all places, the Wall Street Journal back in March; and it chronicled the story of a Harold Dean, whom I have never met. But it is a fascinating story. If my colleagues will indulge me, I will tell briefly his story.

Harold Dean survived the kind of judicial nightmare the State Department likes to criticize in its annual report on human rights problems around the globe.

For 19 months, he was held in jail on vague assertions that he was involved in terrorism. He was not told the specific evidence against him, and the courts refused to disclose who had accused him. That information, he was told, would be kept secret from him and his lawyers on national security grounds. For a year and a half, he was in limbo, he says, never charged with any terrorism acts or even questioned.

The most noteworthy aspect of Harold Dean's case is the country wherein it transpired. He was held here in the United States of America under a little-known secret evidence law that was part of antiterrorism act passed in 1996.

Now, ultimately he was freed at the end of 19 months. It turns out the allegations originated from his former wife, with whom he was locked in a fairly bitter child custody proceeding. But many others have not been nearly so fortunate. And so, it is for this reason that the authors of this amendment propose to take $170,000, which is roughly the number that the eight people here in the United States are incarcerated based on this current law.

Now, some folks would say, well, this will hurt our antiterrorism efforts. I would just remind them that I suppose it might. And I suppose that that would be a good thing. Because our Founding Fathers were very explicit about not wanting perfectly efficient Government. If so, I suppose they would have designed a dictatorship.

Instead, they wrote out the Constitution, and the guiding principle of that Constitution was the idea that the needs of the majority should never supersede the rights of the minority. I think that this story is a perfect example, wherein 19 months of this man's life were taken from him and they will never be given back.

And so, from the standpoint of personal liberty, from the standpoint of adhering to what Jefferson talked about 200 years ago when he said that the normal course of things was for liberty to yield and for government to gain ground, and from the standpoint of particularly the constant adherence of the gentleman from California (Mr. CAMPBELL) to the Constitution, joined, in this case, by the gentleman from Michigan (Mr. BONIOR), I would just urge the adoption of this amendment.

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

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

I will make a very brief comment. Then if the gentleman would yield to our colleague, I think it would be good to have a colloquy.

I would simply thank the gentleman from South Carolina (Mr. SANFORD) for his adherence to the Constitution and to the principle that, yes, we CAN achieve maximum security in our country if we sell our freedom, but we never should.

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

Mr. SANFORD. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I want to commend the gentleman, as well, although I disagree with him, for making a point in his remarks that were missed here; and that is the number of cases that we are talking about. There has been some language used today that would give the impression that there is wanton use of this section of the law.

In fact, according to the General Council of the FBI, of all of the immigration litigations going on now, about some 300,000-odd cases, only 11 even seek to use any element of secret evidence. And I think that that is a sign that this is not something that is being used frivolously by the agency. This is something that is being used in a somewhat targeted way.

I would just remind us all to address the fundamental problem, and my colleague started to and I commend him, that, if we have a terrorist and we have information about them, there is a very good chance that revealing that information would pose harm to people.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think that the problem of this in this case, in the story that I just read, we have an embittered former wife accusing a person of being a terrorist and, as a result, through no action of his own, he is incarcerated for 19 months of his life.

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

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the argument of the gentleman could just as well be made about a citizen. The gentleman could be here saying, those terrorists who blew up the Oklahoma Federal Courthouse, to protect ourselves from them, we needed to get secret evidence and spirit them away as quickly as possible.

We solve this in our Constitution. We have said, no, even to make ourselves more secure against a bombing of that

nature, we do not violate the fundamental right of freedom.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. WEINER) has expired.

(By unanimous consent, Mr. SANFORD was allowed to proceed for 1 additional minute.)

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

Mr. SANFORD. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I think that the gentleman from California (Mr. CAMPBELL) is exactly right. I believe that there are and may be cases where this causes an uncomfortable sense for us.

But this is not a unique thing we do in our Government. We take people's rights away all the time to know exactly where the Government dollars are spent.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think the opposite is true. The gentleman made the very point that it is an extremely unique event in the fact that only 11 folks have been charged with this particular provision of law. And then to suggest that it is not at all unusual I think is arguing both sides of the equation.

□ 1930

Mr. WEINER. The point I was making is that this is not a unique section of law, but where there are times, very rare times that we say, the overall defense of the Nation and national security dictate that sometimes we have this tug of war between our rights.

Mr. SANFORD. Reclaiming my time, I would say that that is ultimately what we disagree on, because I do not think that again the rights of the majority in this case supersede the rights of the individual.

Mr. CAMPBELL. Let us consider, as the gentleman points out, if in every other case the Justice Department seems able to handle the concerns of the United States without recourse to secret evidence, then the argument surely is difficult to say that it was absolutely necessary in the case of the 11.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition because it sounds like there is an inequity here that needs to be addressed by the authorizing committee, the Committee on the Judiciary. There is a reason why there is a rule of this House that you shall not legislate on an appropriations bill, and I think we are seeing a good example of that tonight. This is a matter that needs to be heard and aired in the right forum, with the right machinery in place so that we can make the right decision. And so I would hope that we would reject the amendment on this appropriations bill in favor of hearing the matter in the Committee on the Judiciary where it belongs, in the gentleman from Texas's (Mr. SMITH) subcommittee or whatever subcommittee of the Committee on the Judiciary it belongs in.

In fact, I understand that H.R. 2121 has been referred to the Committee on the Judiciary and addresses the issue of this so-called secret evidence matter. I would dearly hope that we would do that and address it quickly and adroitly and expertly and with knowledge, weighing all of the factors involved in the right forum.

Number two, I realize this is a symbolic amendment. It is not going to change anything if you pass it. It merely would cut $173,480 out of the Bureau of Prisons salaries and expenses. And that you are using this as a vehicle to get this issue elevated and aired and I salute you for that. But I would hope you would not be serious about cutting BOP's salaries and expenses.

In the first place, you are cutting the wrong people. INS, if anybody, is at fault here; and you are not cutting INS. You are cutting the poor old BOP. They do not house these prisoners. INS houses the people that you are talking about, not poor old BOP who are hurting for money to house the legitimate detainees that we have sentenced to our Nation's prisons. And so do not punish the innocent party here in an effort to right a wrong that you see that perhaps needs to be righted but in the right place, in the authorizing committee.

So while I salute you and I appreciate the gentleman bringing this very horrible-sounding issue before us, I would hope that you would choose the right forum and not punish innocent people in the process.

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

Mr. ROGERS. I yield to the gentleman from California.

Mr. CAMPBELL. The gentleman has been gracious throughout. I would make two points, though. We have had hearings in the Committee on the Judiciary and in the subcommittee as well; and I am grateful to the gentleman from Illinois (Mr. HYDE) and to the gentleman from Texas (Mr. SMITH) for allowing that. So we have done all we can except for scheduling a markup in that committee. Secondly, the cost that we are proposing here is less than one-half of one-thousandth of a percent of the Department of Justice budget, and so I doubt that it really will have anything more than the symbolic value which is the entire purpose of my amendment.

Mr. ROGERS. But the gentleman understands that the Bureau of Prisons has nothing to do with this; it is the INS, if anybody's fault, and BOP has nothing to do with it.

Mr. CAMPBELL. If the gentleman will continue to yield, I understand that is actually not the case, that the cost of the incarceration is a charge to the Bureau of Prisons. The INS incurs the cost of arresting, the cost of prosecuting; but the cost of incarceration is all I am after in this particular bill, in this particular effort, because it is the incarceration of people on the basis of evidence that they cannot see that strikes me as the least fair of all.

Mr. ROGERS. INS pays for the detention of all these people. It is not BOP. It is the INS. You are punishing the wrong people. If you were punishing INS, I might join you because I have got my complaints there, too.

Mr. CAMPBELL. If the gentleman will yield further, would the gentleman accept a unanimous consent request to go after INS instead? I do not think he would. The truth is the Bureau of Prisons houses prisoners, and we have to go after them.

Mr. ROGERS. This belongs in the right forum, over there in the Committee on the Judiciary where you can debate this for all that it is worth, and it is worth a lot it sounds like; but please do not burden this bill with another rider.

I urge the rejection of the amendment, Mr. Chairman.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment. I commend the two authors. We owe them a great debt. We have been waiting a long time to have this kind of legislation on the floor so that we could address a very basic wrong which is being done in violation of the fundamental principles of the Constitution.

Let me quote from one of the Founding Fathers. His picture is on the wall outside this Chamber. His name was Ben Franklin. He had this to say: ''They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice.''

I ask my colleagues to hear that and to listen. His picture is out there. It is a great picture, done by Howard Chandler Christy in 1936 to celebrate the 150th anniversary of the United States Constitution. He is surrounded by men who knew and understood for what this Nation stood and for what they fought. I ask you to note that those were men who had undergone the rule of King George where you had ex post facto laws, bills of attainder. Men were detained by the King's men without any excuse or reason, and they were simply locked up and perhaps at some later time they were released. Perhaps not.

You can say this is just a matter which relates to immigrants and that the constitutional protections of due process under the fifth amendment and the 14th amendment do not apply to them. And you can say, well, it is just a little bit. Or that this is to protect ourselves. I want my colleagues who feel differently than I do to continue to

hold that. It is their right. But I will tell you one thing, that a government which has the power to detain, without showing a reason therefor, any of its citizens or noncitizens, whether they are good or bad, is a greater danger to me, to us, and to our liberties than is the presence of a few who might be terrorists or who might constitute some risk to those of us who are proud to be Americans.

This is a deplorable practice. It certainly evades and defiles the purposes and meaning of the due process clause. Secret evidence is an embarrassment to us all. At least 20 individuals are now being held hostages in prisons and deprived of liberty, some for as long as 2½ years. Interestingly enough, I am not describing here the justice system in China, the justice system in Cuba, or the justice system in the old Russian Communist system. This is the American justice system which I am describing at this time, and it is one which flouts the basic principle for which Ben Franklin and Tom Jefferson and George Washington and all the other great Americans stood. It is something which serves as a threat not just to immigrants but indeed as threats to each and every one of us. Due process is being denied here, and it has been used in a discriminatory manner.

One interesting thought. In every case stemming from the 1996 secret evidence rule which I opposed, only immigrants of Arab descent have been detained. Does that tell you that this rule of law, if such it can be called, is being fairly applied? I think, Mr. Chairman, it is time for us to stand up for our fundamental American values. We should stand up for liberty, for freedom, because the threat to the freedom of one is indeed the threat to all, to each and every one of us.

We have not been able to get this matter to the floor as a part of a regular freestanding piece of legislation, and certainly we should have been able to do so. We have finally been forced to consider this important matter under this kind of situation. And while I would prefer much more to have a debate which addressed these questions under the regular order, I have to say that this is an important enough matter affecting the freedom and the liberty of too many people to be denied that kind of opportunity to bring it up as we do tonight.

I hope that if we are successful, since this is in good part symbolic, that we will see something happen in the Committee on the Judiciary so that we can address this. Perhaps there is something that we should do to protect the United States and our security. But I do not believe that what we are doing or what we are attacking here tonight is something that protects the liberties of the American people or by dealing with the question of terrorists in any intelligent fashion. I am much more afraid of having a situation where Americans can be charged without any knowledge of why they are charged or with what they are charged than I am of having something of this kind going on.

Mr. Chairman, I rise in strong support of the amendment sponsored by the gentleman from California (Mr. CAMPBELL) and my distinguished colleague from Michigan (Mr. BONIOR). I applaud their efforts to end a deplorable practice that violates the spirit and clear meaning of the 5th Amendment's due process clause. The use of "secret evidence" is an embarrassment to the U.S. justice system. It has unfairly targeted individuals solely on the basis of their nationality, and flies in the face of the values Americans hold most sacred.

Today, at least 20 individuals are being held hostage in prisons and deprived of liberty, some for as long as 2½ years. They have not been charged with committing any crime, nor have they had a trial. They have not even been informed as to why they are being held and their lawyers have been denied access to the evidence being used against them.

Mr. Chairman, am I describing the justice system in China? Or in Cuba? Or the justice system in post-communist Russia? No! I am, unfortunately, describing the American justice system, the very system that prides itself on protecting individuals' freedoms and liberties and, under the 5th Amendment, the due process right afforded to all persons whether they are citizens or immigrants.

The secret evidence rule was created to allow the Immigration and Naturalization Service to deport those suspected of terrorist activities. I understand the need for America to protect itself from the growing terrorist threat. Terrorism will continue to grow as a threat, as cowards—both abroad and domestic—look to solve their differences with our government by targeting innocent civilians.

But protection from potential harms is no reason to deprive people of their liberty. By adopting the tactics of the enemies of freedom, we are losing our own. Depriving one of their liberty is far greater a threat to America than terrorists. As Benjamin Franklin once said, "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice."

In addition to depriving individuals of due process rights, secret evidence has been used in a discriminatory manner. I have the privilege and honor of representing the largest Arab-American community in the nation, and I have heard from my constituents of the discriminatory application of the secret evidence rule. I would note that in every case stemming from the 1996 secret evidence rule, only immigrants of Arab descent have been detained. This is wrong, unjust and a gross violation of civil rights.

Mr. Chairman, let us stand up for our fundamental American values. Let us stand up for justice, liberty and freedom. We must guarantee that all persons in America are given the due process rights they are afforded in the Constitution. Vote yes on the Campbell-Bonior amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I certainly do appreciate the dean of this Congress, this House, eloquently going to the floor and explaining why so many of us support this amendment in this form.

Let me thank the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for this amendment. I am delighted to acknowledge that I am a cosponsor of this amendment along with several of my colleagues, and as well that the proponents of this legislation have done anything that they could to follow regular order, that is, that they have been before the Committee on the Judiciary with a hearing; and, I might add, a very effective hearing.

If you would have listened to the recounting of families whose loved ones have been locked up for a period of time such as their families have disintegrated, they are not able to take care of their normal basic needs of housing and food and protecting their children, then you would argue as well that we discard the regular order.

It certainly has come to my attention on this floor today that it is easy to throw Members and their positions and the advocacy of their position to the rules of this body and discount the importance of their issues. I take issue with that, but that will be another day. I will see that another day. But I am willing to ignore the regular order because this is an amendment that I believe has an important cause, and, that is, that if we ask any American what rights they have, they believe that they have a right to confront their accuser, they believe that they have a right to hear the evidence, and they certainly believe that they have a fundamental right to a speedy trial.

In the case of secret evidence, it reminds me of countries where we have heard stories told that people disappear into the night and we never see them again. I remember hearing the recounting of the President of the United States, President Johnson, calling one of the Senators from the State of Mississippi during that time about the three civil rights workers that had disappeared, they were missing for 2 weeks and there was a question about what was going on; and the response from that Senator at that time was, "It's just a bunch of rumors. I don't think they're really missing. I just think it's something, a publicity stunt."

That was the America of that day, when no one cared about people who were advocating for civil rights and they could be in a condition of peril and have lost their life and some official would represent that it was just a rumor, it was just something we should discount. That is why we fought in this country for civil rights and laws that would protect individuals who advocate positions that we might not like. But

here now we have individuals who just because of their heritage and because of maybe some remark or some accusation are being able to be kept without a trial, without being able to confront their accuser, and certainly without the opportunity to hear the evidence. This is the right direction and this is a time to hopefully secure the support of our colleagues that regular order should not be the call of the day but actually justice.

Quoting from Supreme Court Justice Jackson in a dissenting opinion in Knauff v. Shaughnessy, he said:

''The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome and the corrupt to play the role of informer undetected and uncorrected.''

□ 1945

I would rather today stand in this body on the side of those who believe that this country has a higher moral ground. It does not hide people. It does not support missing people and missing evidence. It does not put people in corners and leave them to their own devices. This is a country that believes in due process and the right to confront one's accuser.

I believe that this legislation and this amendment that addresses a minuscule part of this appropriations is the right direction to go. It addresses the issue of incarcerating people without their opportunity to address the question.

Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) simply for a question. It is usually our responsibility to fix broken problems. Someone might say that this has reached a magnitude that warrants this Congress addressing it.

I know that the gentleman has engaged or been involved in this for a long time. Is this of the magnitude, because the gentleman has already noted that this takes only a small portion of this appropriations, but do you consider this of the magnitude that we need to fix this problem?

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, it is of that magnitude. We know 26 times already this process has been used to put people in jail in this country. INS claims that there are only 8 left. We do not know that for sure. I think that the magnitude was reached the first time that a person in the United States of America was put in jail on the basis of evidence he or she could not see, certainly if that is not enough for everyone to agree, 25, 26 people is.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me also say that I want to thank the minority whip, the gentleman from Michigan (Mr. BONIOR) for his advocacy, his passion and his leadership. We need to vote on this amendment and vote yes.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am particularly sensitive to the authorizing on appropriations to which the able chairman of the committee, my good friend, the gentleman from Kentucky (Mr. ROGERS) raised, but I do think there are two exceptions in this particular case, the first being a major exception, and that is what my good friend, the gentleman from Michigan (Mr. DINGELL) has referred to; that is, the consequences that this particular action has for our basic freedoms as an American society.

The second is that usually when such issues are raised about authorizing on an appropriation bill, we have the authorizers come here in unanimity, and that is not the case on this particular amendment.

Mr. Chairman, in 1996, Congress did enact the so-called Antiterrorism and Effective Death Penalty Act, which contained a provision that may have been well intended at the time, but which, in fact, was ill-conceived, encroaching on our cherished constitutional rights against secret evidence and anonymous accusers.

Under this provision, immigrants to this country are being jailed based on ''secret evidence,'' and these people are given no opportunity to face their accusers as we have so well heard in the debate so far this evening, nor are their lawyers allowed to see this so-called secret evidence against their clients.

Today we have an amendment pending that will repeal this unwarranted, dangerous celebration of secret evidence, and it is an urgent matter. If for no other reason, vote for this amendment, because the government's duty is not to win cases, but to see justice done.

My colleague and a cosponsor of the amendment, my colleague, the gentleman from Michigan (Mr. BONIOR) has already adequately described as has the gentleman from California (Mr. CAMPBELL), the case of Mr. Najjar and others, the tremendous family situations that it has placed them in and not being able to see their families, because of their being held on secret evidence.

Recently in New Jersey, a judge ordered the release of an immigrant who had been in jail for 19 months based on secret evidence. We heard that case already, but here is what the judge said in his action to order this man's release and I quote,

The court cannot justify the Government's attempt to allow persons to be convicted on unsworn testimony of witnesses, a practice which runs counter to the notions of fairness on which our legal system is founded.''

Mr. Chairman, I am not of a legal mind, as my good friend, the gentleman from New York (Mr. NADLER) who has spoken in favor of this amendment, nor do I sit on the Committee on the Judiciary, but this is a judge, sworn to uphold the laws of our land, that issued such an opinion.

This individual, as we have already heard, was placed in jail for 19 months based on testimony of an estranged wife. We have heard often about how labels are used in this country and, in this case, we are talking about a label; that label being immigrants and how such a label can put a man or women behind bars or cause them to be deported or even worse.

Have we forgotten when the label ''Jew'' was attached to a whole people and because that was the label given them, it sentenced them to concentration camps in most cases absolute death. Have we forgotten about the account written in history, and I quote,

When Hitler attacked the Jews, those who were not a Jew, therefore, were not concerned. And when Hitler attacked the Catholics, those who were not Catholic, therefore, were not concerned. And when Hitler attacked the unions and the industrialists, those who were not a member of the union, therefore were not concerned. Then, Hitler attacked me and the Protestant church, and there was nobody left to be unconcerned.

Lest we forget the historic lessons learned from the Spanish Inquisition and the Holocaust, let us vote to repeal the secret evidence law that attacks those who are labelled as immigrants. If we do this, perhaps then our government will never some day come for us.

It is all about that incrementalism that we heard earlier from the gentleman from New York, (Mr. HINCHEY). Incrementalism, that is what we are talking about here.

Mr. Chairman, I know there are people in this country and in this body who are concerned and we are not going to let this happen. We despise the use of secret evidence to put people in jail, to deport them from a homeland they have adopted and where they have lived in freedom for many years.

Ask yourselves if our government can legally allow this to happen to immigrants, who are living the American dream, when will they come for us?

Be concerned, vote yes for the Bonior-Campbell amendment.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had a chance to take a hard look at this issue and came to the conclusion that it was time, really overdue time, to act; and, therefore, I rise in strong support of this amendment.

The American system of justice is based on the principle of due process. This principle is enshrined, and I emphasize that, enshrined in the fifth

amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our Nation's commitment to due process that separates our beloved country from undemocratic, authoritarian governments in other parts of the world.

No fewer than four Federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or to examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that failed to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants should stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment that we are considering now further underscores our determination to terminate this abuse of fundamental fairness.

Mr. Chairman, I strongly urge my colleagues to support the Bonior-Campbell amendment.

Mr. ACKERMAN. Mr. Chairman, I am pleased to rise in support of the Bonior-Campbell amendment, which is an absolutely necessary measure to root out an on-going government practice which should be offensive to all of us as sworn defenders of the Constitution.

The very idea of "secret evidence" should alarm us as a nation that cherishes the rule of law. That our government, a government built on transparency and due process, should incarcerate people indefinitely and by executive fiat, and deprive them of the basis to defend themselves, is an affront to the Constitution.

Our nation's justice system is a source of pride, not because of the efficiency of its operations, or its effectiveness in convicting the guilty, important as these things are. We are appropriately proud of our justice system because of its unyielding insistence on due process for the individual against the state; because of its strict adherence to Constitutional requirements necessary for government action and limitations on state authority. In criminal matters, before the federal government deprives anyone, citizen or non-citizen, of their right to life, liberty or property, the Constitution demands—demands, not requests, not suggests, not proposes—demands, that the government detail the charges to be prosecuted; produce its witnesses for cross-examination; provide compulsory means for the defense to obtain its own witnesses; and settle the matter of guilt or innocence by decision of a jury of ordinary citizens. This is the American standard of justice.

Some will argue that detention and treatment of aliens is a category of government action apart from Constitutional mandates. I disagree. The Constitution is not to be considered mute as a matter of convenience. The actions of the executive branch are always bound by the strictures of the Constitution; there is no free-play zone for non-citizens.

A decision by the Federal Government to deport, to grant asylum or residency, or to detain a non-citizen does not exist in some extra-Constitutional universe. The Executive Branch is not compelled by law to hold people on secret evidence. There is no legal obligation for the government to detain aliens indefinitely. If the state is concerned that judicial proceedings would require the disclosure of classified information to the detriment of the nation, the government always has the flexibility not to act. Prosecution is a political decision and is done at the discretion of the government's attorneys. Hard choices are part of life.

It may be that precluding the use of secret evidence will lead to the release of some dangerous individuals. This is a regrettable but necessary price we must pay for a free society bound by the rule of law. Sometimes releasing the guilty or the dangerous is the unfortunate result of limited government. The threat of terrorism is real, and our government should do all it can to preempt and punish those who would do violence to our people and interests. But in doing so, we must not do harm to the Constitution, which is exactly what the use of secret evidence does.

I urge my colleagues to support the Bonior-Campbell amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Bonior-Campbell amendment.

The American system of justice is based on the principle of due process. This principle is enshrined in the Fifth Amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our nation's commitment to due process that separates the United States from undemocratic, authoritarian governments in other parts of the world.

No fewer than four federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that fails to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants must stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment we are considering now further underscores our determination to end this abuse of fundamental fairness.

I urge all of my colleagues to support the Bonior-Campbell amendment.

Mr. GEPHARDT. Mr. Chairman, terrorism is the scourge of the modern world, and we must do everything in our power to deter and punish those who would commit such heinous acts. Our efforts in Congress must include support for all federal agencies and foreign allies who are engaged in the fight against terrorist and their protectors. And we must continuously seek to improve the laws that enable our democracy to effectively counter the threat of terrorism and preserve our freedom.

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act in an attempt to further combat terrorism against the United States. It also contained provisions that were intended to balance legitimate national security interests with our desire—and responsibility—to protect individual liberties.

Since the enactment of this legislation, it has become evident that the provisions of law designed to protect individual rights in such matters have not been implemented properly. Our government's use of "secret evidence" authorities to detain the accused has caused many civil rights advocates to question the constitutionality of these practices and to urge for reform.

The questions raised about the current application of secret evidence statutes have been validated recently by four federal courts, which have all ruled the practice unconstitutional.

At a recent House Judiciary Committee hearing, both supporters and critics of existing secret evidence statutes recognized the deficiencies of current practices, as well as the need to reform or refine them. There was also agreement that more work is needed to sufficiently balance our national security interests with the need to protect individual rights.

The National Commission on Terrorism also concluded earlier this month that the legal protections afforded to the accused in these circumstances are not being used properly, if at all. The Commission further stated that, "The U.S. Government should not be confronted with the dilemma of unconditionally disclosing classified evidence or allowing a suspected terrorist to remain at liberty in the United States. At the same time, resort to use of secret evidence without disclosure even to cleared counsel should be discontinued, especially when criminal prosecution through an open court proceeding is an option."

Mr. Chairman, this amendment will not result in the release of suspected terrorists from America's prisons. If it did, I would oppose it vigorously.

Instead, my support for this minute reduction in the Justice Department's budget is intended as a call to the relevant committees of Congress to accelerate their deliberations on legislation to refine and improve existing laws. It is also a call to our government—and the Justice Department in particular—to address the legitimate concerns that have been raised about the use of secret evidence without appropriate measures to protect individual rights.

Clearly, it would be a serious mistake to unduly restrict our government's ability to protect its citizens against terrorism. At the same time, we must find a way to protect the rights of those whom our legal system deems innocent until proven guilty. And there must be no winners or losers in this debate; otherwise, the critical balance between freedom and security that we cherish will be undone. Instead, we must all work together to forge a consensus that advances both goals in the most effective manner possible.

Mr. CONYERS. Mr. Chairman, our system of judicial review and due process is not a luxury or a gift to be awarded to a chosen few for political advantage. It is the very foundation of our system of government and justice. The use of secret evidence in INS detention proceedings makes a mockery of this basic principle of our legal system. I support the Campbell-Bonior Amendment that would eliminate funding for detaining defendants based upon secret evidence.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 eliminated

court appeal rights relative to judicial review of asylum determinations, decisions on apprehension and detention of aliens, document fraud waivers, orders issued in a absentia and denial of request for voluntary departure. The statute also broadened the range of proceedings where secret evidence can be used against an immigrant.

The result has been manifest injustice. No person should be held in solitary confinement for nearly three years while trying to defend against unknown charges. But that was the experience of Nasser Ahmed, a 38-year-old Egyptian. He was denied bond and asylum based on secret evidence. When his case was finally heard, an immigration judge rejected the secret evidence against him as double and triple hearsay.

If Mr. Ahmed had been allowed to see and respond to the secret evidence that the government was using to block his asylum application in a timely manner, he could have won his case sooner and been spared years of unjust incarceration.

The experience of Mr. Ahmed is not as isolated incident. Another case involves 19-year old Mazen Al-Najjar, a stateless Palestininan in Tampa, Florida. He is about the mark his 1,000th day of detention based on secret evidence.

The D.C. Circuit has aptly equated the INS's use of secret evidence with the situation of the accused—Joseph K.—from Kafka's book, The Trial. Like that character, Mazen Al-Najjar could not only prevail by rebuting evidence that he was not permitted to see. The D.C. Circuit observed that, "It would be difficult to imagine how even someone innocent of all wrongdoing could meet such a burden."

Due process is not just a tool of fairness and equity, it also is an efficiency tool that makes national uniformity possible and is an essential component of our constitutional system of government. As a Congress, we have both a moral and constitutional duty to correct the abuses around the use of secret evidence and to ensure that our fundamental values of due process are applied fully and without favor. The Campbell-Bonior Amendment is a good first step in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from California (Mr. CAMPBELL) will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. MCGOVERN:

Page 23, line 2, after the dollar amount, insert the following: "(reduced by $1,000,000)".

Page 50, line 4, after the dollar amount, insert the following: "(increased by $1,000,000)".

Mr. MCGOVERN. Mr. Chairman, fire fighters throughout the country risk their lives every day to protect our families and safeguard our neighborhoods. Last year, over 100 fire fighters died in the line of duty.

The City of Worcester, Massachusetts, in my district, suffered the tragic loss of six fire fighters on December 3, 1999. Fire fighters Paul Brotherton, Jeremiah Lucey, Timothy Jackson, Jay Lyons, Joseph McGuirk and Lieutenant Thomas Spencer. These brave men made the ultimate sacrifice and died doing the job that they loved. They left behind 17 children, and they left behind a grateful community.

Mr. Chairman, I would urge all of my colleagues to pick up the July issue of Esquire magazine. There is an incredibly well-written and very moving account of this terrible tragedy which took place in Worcester.

Mr. Chairman, this tragedy brought together fire fighters from across the Nation and around the world, and we gathered on that day in December to honor their memories and pay tribute to their heroism. The best way Congress can honor the memory of all fallen fire fighters is by working to prevent such tragedies from ever happening again.

Fire fighters are always there when we need them. We need to return this commitment and demonstrate our gratitude for the job that they do, and that is why I am proud to offer this amendment with my colleague, the gentleman from Indiana (Mr. PEASE).

The Building and Fire Research Laboratory at the National Institute of Standards and Technology is in the process of developing fire safety technology that would make firefighting safer. Recent developments in the area of infrared sight technology would make it possible for fire fighters to more successfully, and safely, maneuver in a burning structure filled with thick smoke.

Had such technology been available to all fire fighters, many recent tragedies, such as the loss in Worcester might have been avoided and lives could have been saved.

This amendment would provide the National Institute of Standards and Technology with the funds needed to continue the progress they have already made in fire safety research and technology. It provides for an increase of $1 million to the Building and Fire Research Laboratory at the NIST.

The offset is from the Federal Bureau of Prisons, Salaries and Expense Account. Last year, approximately $70 million of the bureau's almost $4 billion budget went unspent, and it was our goal to use a small portion of this overflow to help protect our Nation's fire fighters.

Simply put, this is a modest amendment that will actually save lives. I strongly believe that we have a responsibility to make sure that our fire fighters have access to the most up-to-date technology possible. It is the least we can do for these brave individuals who do so much.

Mr. Chairman, this amendment not only has bipartisan support, but it is supported by the National Association of State Fire Marshals.

In conclusion, let me just say that I hope that no Member of this Congress will ever have to witness what I did in Worcester last December 3. Nothing we can do here today can change that tragedy, but we can take a step, albeit a small step, toward trying to prevent such catastrophes in the future. We on the Federal level need to do much more, I believe, very much more. I think we can do much more.

Mr. Chairman, I urge my colleagues to vote yes on the McGovern-Pease amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. I have the highest respect for the distinguished chairman of the subcommittee and the ranking member, but this is a small, small token on behalf of America's real heroes.

The best example of what America is all about are the 1 million men and women who serve this country in 32,000 departments every day responding to disasters. They do not just respond to fires. They respond to hurricanes, to earthquakes, tornados. They respond to subway collapses. They respond to highrise conflagrations. They respond to HAZMAT incidents, refinery explosions and they have done it for the last 250 years, longer than the country's been a country.

Each year we lose 100 of them, most of them volunteers, because 85 percent of the 1 million fire fighters in this country are volunteers, they are not even paid for what they do. I cannot think of any other volunteer group that loses 100 people every year, every year. I have been down in that ceremony in Emmitsburg more than I want to be there, and I have seen the anguish in the family's eyes of those who have lost their loved ones.

Mr. Chairman, I spoke at the D.C. fire fighters' funeral that were killed last year in a fire. I understand what our friend and colleague is talking about when he talks about the loss of life in his own home district.

Mr. Chairman, this is the least we can do, a million dollars to give to the NIST organization to help on the research on thermal imagers. As a former volunteer fire chief, I can tell my colleagues the importance of thermal imagers. When the fire fighters go into a building and they are overcome by

smoke, they collapse. There is no way available to go in and find them in a smoke-filled room, except for this new breakthrough technology that we developed for the military called the thermal imager.

Now, as the chairman of the research committee on the military side, I have supported the funding for the research for our military. What this funding would do would be to help take that technology and make it available for the fire fighters.

Mr. Chairman, our colleagues will say wait a minute, the Federal Government should not be involved in the fire service; well, hold it. Let us get real. This bill has billions of dollars of money for law enforcement.

I am a supporter of the police as a former mayor, but we pay half the costs of the vests for police officers who might be shot.

□ 2000

Cut me a break. We are going to pay for half of the cost of a police vest, and we cannot put $1 million into research for thermal imagers for fire fighters.

The last time I checked, law enforcement was a local responsibility. We are not talking about $1 million. This bill has billions of dollars for local police officers, billions and billions of dollars for local police, for training, for equipment, for meetings, half of the cost of police vests. But not one dime of money for the Nation's fire fighters. Nothing. Nada. And these fire fighters, who are largely volunteer, save taxpayers money, because if we do not support them, you are going to have to hire full-time paid fire fighters to replace them.

Every one of my colleagues in this room has fire departments in their districts. There are 32,000 departments, in every State, they are in every county, they are in the most rural community, and they are in our largest urban city, and they all have the same challenges. The least we can do is set aside $1 million in an account where there is a surplus this year to help get our Federal agency to provide research money to take this technology and use it for the fire service itself.

Billions of dollars for law enforcement, which I support; nothing for the fire fighters of this Nation. The only pittance we put forward is about $30 million a year for the U.S. Fire Administration and the NATA Fire Training Center at Emmitsburg. That is it.

Yes, we have a responsibility. I say to my colleagues, this is an easy vote. If we cannot support something like this, a bipartisan amendment offered by my friend, the gentleman from Massachusetts (Mr. MCGOVERN), and my friend, the gentleman from Indiana (Mr. PEASE), then shame on us.

I say to this body, support the real heroes in America, the unsung heroes. Support the men and women of the fire service, who day in and day out protect your towns, who protect your cities. Most of them do it as volunteers.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin with an acknowledgment of my gratitude to the chairman and the ranking member and to acknowledge publicly my greater understanding and much greater appreciation for the challenge that they face in and the work that they do in preparing a bill to bring to this floor. The work that the gentleman from Massachusetts (Mr. MCGOVERN) has given leadership to and which I have supported is only one very small piece of a very large bill, and the difficulties that we have encountered in trying to balance priorities only makes me appreciate more the difficulties the committee faces in trying to balance their priorities every day.

I want to acknowledge the leadership of the gentleman from Massachusetts (Mr. MCGOVERN) on this very important issue and thank him for the work he has done and for including me and others in that work.

What we hope to do with this amendment is to continue the work of NIST in infrared technology for fire safety and those people that defend us and our property on a daily basis. It is a $1 million appropriation. It comes from the Bureau of Prisons.

I have this greater appreciation of their difficulties, if for no other reason than I have a very large Federal prison in my district which I have given great support to. But the fact is the Bureau of Prisons last year did not expend over $70 million of their S&E budget. This is 1.5 percent of their unspent funds from last year, which seems to us a minimal amount and, quite honestly, a very reasonable amount to invest in fire safety on behalf of those many folks who defend us and defend our property on a daily basis.

If I could engage the chairman in a colloquy on this issue, I would like to do so.

Mr. Chairman, the gentleman from Massachusetts (Mr. MCGOVERN) and I have spoken with you and the gentleman from New York (Mr. SERRANO) and the staffs of the committee about your continued willingness to work with us on this issue. We know it is a challenge, just from work we have done in the last few days.

My question is whether the chairman and the gentleman from New York (Mr. SERRANO) are willing to continue to work with us as this bill progresses on this issue, understanding that no final commitments can, of course, be made at this moment?

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

Mr. PEASE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we will be delighted to work with the gentleman. The gentleman has raised a very important issue in this amendment, and we will be delighted to continue to work with the gentleman as the bill progresses through the House and conference with the Senate in addressing the issue that the gentleman has brought up.

Mr. PEASE. Mr. Chairman, reclaiming my time, I thank the chairman. The gentleman from Massachusetts (Mr. MCGOVERN) and I, as a sign of our good faith in your willingness to continue to work with us and with the fire fighters on this issue, have discussed withdrawing the amendment at this time, but before I make that commitment, I would like to yield to the gentleman from Massachusetts (Mr. MCGOVERN) for a moment.

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

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

Mr. MCGOVERN. Mr. Chairman, I want to thank my colleague for his support of this amendment. I want to thank the chairman for his generosity, as well as the ranking member. I feel passionately about this issue because this terrible tragedy happened in my city, and I continue to see the faces of those kids who lost their fathers in that terrible fire. I made a commitment to them that I would do everything I possibly could to make sure that their loved ones did not die in vain. So I appreciate the gentleman's commitment.

Mr. PASCRELL. Mr. Chairman, I rise to strike the last word as the author of legislation that relies on research such as that being fought for right now on the floor. I commend Mr. MCGOVERN and Mr. PEASE.

My legislation, the "Firefighter Investment and Response Enhancement Act," or "The Fire Bill," will provide competitive grants directly to the over 32,000 paid, part-paid and volunteer fire departments across America.

The money could be used for personnel, equipment, vehicles, training, health and safety initiatives and prevention programs.

The Building and Fire Research Laboratory at the National Institute of Standards and Technology (NIST) is in the process of developing fire safety technology that would make fire fighting safer.

They are developing precisely the equipment that I wrote my bill to enable fire fighters around the country to purchase. This equipment will make fire fighting safer.

For example, NIST is developing infrared sight technology that will make it possible for firefighters to successfully, and safely, operate in a burning structure filled with thick smoke.

Had such technology been available to firefighters, many recent tragedies could have been avoided and lives could have been saved.

The McGovern-Pease amendment would provides $1,000,000 to the NIST to help them continue their work in this area.

I have said before that our firefighters are the forgotten part of our public safety equation. Congress should make a commitment to

those who make a commitment to us every single day.

We need to show that it is no longer acceptable to pay lipservice to the firefighters in our districts on the weekend. . . . and not put our money where our mouth is during the week.

That is why you must vote in favor of the McGovern-Pease amendment. By supporting this funding, you will be laying the groundwork for safe fire fighters by enabling NIST to continue to develop the best technology to protect them.

I urge you all to support our fire fighters by supporting this amendment.

Mr. MCGOVERN. Mr. Chairman, I ask unanimous consent to withdraw the amendment. Hopefully, we can work this out.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $835,660,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

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

Mr. Chairman, I would like to engage the chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations in a brief colloquy.

I rise to commend the subcommittee for generously increasing funding in the Immigration and Naturalization Service budget so this new agency can hire new inspectors to serve at our Nation's airports. While I am supportive of this increase, I am concerned about the disparity of INS inspector staffing that exists between the New York Metropolitan Airport relative to other airports.

Detroit Metro Airport desperately needs additional inspectors. The INS has not kept up with the great increase of passengers at this booming airport, and has let the number of staff at Detroit decrease relative to other international airports. Hartsfield Atlanta International Airport has 2.1 million inspections per year with 78 inspectors on staff. Both Dallas Fort Worth and Dulles International Airports each have 2 million inspections each year, with 78 and 74 inspectors on staff respectively. In comparison, Detroit Metro Airport has 1.8 million inspections per year with only 47 inspectors. Relative to other major airports, Detroit inspectors have to process almost 40 percent more people per inspector. Clearly the INS has understaffed the Detroit Metro Airport.

I had requested the chairman correct this problem by allocating specific inspectors to Detroit Metro Airport. I can appreciate the difficulty of my request and the committee's position that they cannot earmark new inspectors for individual airports. However, I am encouraged that the report language dealing with this account says: ''The recommendation includes $18,489,000 for adjustments to base; and $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals. INS is expected to consult with the committee prior to the deployment of these new positions.''

I ask for assurances from the chairman of the subcommittee that when the INS consults with the subcommittee, he will specifically encourage the INS to address the staffing problems, the staffing shortfall, in Detroit, and give the airport due consideration for these new positions.

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

Mr. EHLERS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's interest in the issue and his understanding that the subcommittee cannot specify how many inspectors should be allocated to individual airports across the country. It is best to leave those decisions to the INS. But the gentleman is correct, we have specifically asked that the INS consult with this subcommittee before they locate the new agents that we fund in this act.

I agree with the gentleman that the Detroit Metropolitan Airport is understaffed relative to other airports, and I assure the gentleman that they will receive due consideration from this subcommittee during the consultation process with the INS.

Mr. EHLERS. Mr. Chairman, reclaiming my time, I thank the chairman for his assurance. I look forward to working with him on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $152,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $2,823,950,000, to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a ''State'', the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with

State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $35,000,000 shall be available for the Cooperative Agreement Program; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $9,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $207,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $35,250,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided*, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2001 and Guam shall be considered a ''State'' for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1977: *Provided further*, That funds made available in fiscal year 2001 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 27, line 4, after the dollar amount, insert the following: ''(reduced by $49,500,000)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $49,500,000)''.

Page 43, line 24, after the dollar amount, insert the following: ''(increased by $49,500,000)''.

Mr. HINCHEY. Mr. Chairman, first I want to express my appreciation to the chairman of the subcommittee for the very diligent and effective work that he has done in putting this bill together and bringing it to the floor. And I am sure the vast majority of the Members of the House very much appreciate the effort and energy and wisdom that has gone into putting this bill together.

I have a very modest change that I would like to make in the bill. This change would take $49.5 million out of prison construction and transfer it to the Economic Development Administration.

I know that the chairman and other Members of the House have a keen appreciation for the very valuable work that is done by EDA. EDA, in many regards, is one of the most effective economic engines that we have in the Federal Government. Not only has it provided over the years a substantial number of loans and other economic incentives for communities around the country, but all of that money that EDA has put in, the public money, has generated enormous amounts of private investment that have far and away by orders of magnitude surpassed the amount of funds that were provided from public sources. Many jobs have been created, much wealth has been created, and economic growth has been experienced in communities all across the country as a result of the work of EDA.

The EDA in this particular budget is flatlined essentially from last year, and it is my hope that the chairman and the majority of the Members of the House will join me in accepting this amendment to take $49.5 million out of prison construction and put it into the good work that can be accomplished through EDA. Even with the removal of this $489.5 million from prison construction, there will still remain $637 million for the construction and upgrading of prisons around the country.

I happen to believe, Mr. Chairman, that we may be spending too much on prison construction. We have now in this country almost 2 million people locked behind bars; and it seems that the more prisons we construct, the more people we find to fill them.

I believe that we ought to engage in this effort, which, while taking some small amount of money from prison construction, will put it into the kinds of efforts that will generate jobs, and hopefully thereby will alleviate the need for additional prison space and will reduce the number of people who find themselves in that situation.

Mr. Chairman, I offer this amendment with a great deal of respect and admiration for the work that has been accomplished in this bill, and I hope that the chairman and the majority of the Members will join me in supporting it.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

□ 2015

This amendment would cut State local law enforcement assistance grants to provide an additional $49 million for the Economic Development Grant programs.

Specifically, this amendment would cut the Criminal Alien Assistance program. That is a program that reimburses States for a portion of their costs in jailing criminal aliens. It is a program that is widely supported by the Members of this body, by the governors, by mayors, and local law enforcement people throughout the country. It is especially critical along the southwest border where the criminal alien population is exploding and the States need some financial assistance from the U.S. Government to fund the jailing costs for jailing not just illegal immigrants, but criminal illegal aliens.

This amendment does not state what the increased funding would be used for; just to be put into the EDA.

We already provide in the bill, Mr. Chairman, $362 million for the EDA that goes to provide assistance to communities that are struggling with long-term economic downturns as well as

sudden and severe economic downturns. This committee and the Committee on Transportation and Infrastructure have worked with EDA to reauthorize the program, to reform the EDA, to ensure that monies that we provide are targeted to the most severely distressed areas. Without EDA, these communities would have little access to resources for critical infrastructure development and capacity building. The funding in this bill is sufficient to provide the seed capital to distressed areas to allow those local communities to increase their ability to create new economic opportunities.

So this committee, we think, has provided sufficient resources for the EDA, and, on top of that, I am deeply opposed to cutting the assistance to our States and localities in dealing with jailing the criminal illegal aliens that they are having to imprison, and they blame the U.S. for not protecting the borders to keep those people out in the first place.

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

Mr. ROGERS. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear of what my intentions are here in this amendment. My intentions are that the money that I am suggesting, $49.5 million to be put into the Economic Development Administration, be taken out of the construction program for prisons; not for the purposes which the chairman was addressing, but wholly, completely and exclusively from the amount of money that has been provided for prison construction.

Now, that amount is very substantial, $687 million. We would leave $637 million. But the money that I am seeking to take out would be funding that would come only exclusively and wholly from the construction program and nothing but the construction program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, that is an equally dangerous place to take money. The State prison grant program is a program that we passed here to encourage States to imprison people for 70 percent of their sentence. Many States have taken advantage of that and secured these State prison construction funds, and we are still shorthanded. That fund is underfunded as it is. We were not able to fully fund the State prison assistance grant program, so I would object very strongly to taking the money, equally strongly, out of that account. On top of that, again, the money that the gentleman would place in EDA is not specified as to what it would be used for, and, as I say I think we have adequately funded EDA already.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. SCOTT:

Page 27, line 20, after the dollar amount, insert the following: ''(increased by $60,812,500)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $121,625,000)''.

Page 30, line 10, after the dollar amount, insert the following: ''(increased by $60,812,500)''.

Mr. SCOTT. Mr. Chairman, I am offering this amendment with the gentlewoman from New Mexico (Mrs. WILSON) to transfer one-half, or approximately $122 million, of Truth in Sentencing prison grant funds to Boys and Girls Clubs and drug court programs.

Mr. Chairman, the so-called ''truth''-in-sentencing is actually a ''half-truth''-in-sentencing. Proponents of truth-in-sentencing will tell us that nobody gets out early. That is the half truth. The whole truth is that no one is held longer, either.

When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of sentences that judges have been giving out under the parole system and then direct the defendant to serve all of the reduced sentence.

For example, under a parole system, if a judge says 10 years, the average defendant will serve about 3½ years. Some will get out earlier, some will get out later. The more dangerous criminals can be held longer. But under truth-in-sentencing, everybody gets 3½ years. Those who could have gotten out early are held to the full 3½ years, but those who could not have made parole, those that would have served 10 years, get out in the same 3½ years.

The problem is that the lower-risk prisoners will serve more time and the most dangerous will serve less time. Even if we were to double the average time served and double the prison budget so that everybody serves 7 years, the worst criminals will still get out earlier than they would under the parole system.

So under truth-in-sentencing, the less dangerous criminals get punished severely, but actually rewards the most dangerous, hardened criminals who could never have made parole.

Furthermore, Mr. Chairman, we know that prison education and job training are the most effective ways of reducing the chances that someone might return to a life of crime after they get out. But when we abolish parole, we eliminate the incentive they had to get that education and job training, and that is why a Rand study last year concluded that truth-in-sentencing does not reduce crime.

Finally, not all States qualify for truth-in-sentencing grants, whereas all States qualify for crime prevention programs. And the few States that do qualify for truth-in-sentencing funds can only use those funds for prison construction.

At this point, some States have actually overbuilt prison space. My own State of Virginia, in fact, is trying to lease out prison beds to other States. We have an excess of about 3,000 excess prison beds that we are trying to lease out. So there is no reason for us to give money to States to build prison beds that they do not even need.

Mr. Chairman, States are already spending tens of billions of dollars on prison construction every year, so this $121 million spread out amongst the 30 or so States that qualify for truth-in-sentencing funds cannot possibly make any measurable difference in the number of beds built and, in fact, like the Rand study concluded, cannot make any measurable difference in crime. But if that money is spent on boys and girls clubs and drug courts, we can certainly make a difference in the crime rate.

We know that housing projects with Boys and Girls Clubs experience a dramatic decline in drug activity. In fact, Boys and Girls Club participants had less truancy and were more likely to graduate from high school. The Department of Justice reports the presence of Boys and Girls Clubs in public housing reduced juvenile crime 13 percent and reduced drug use 22 percent. Studies of drug court programs have repeatedly shown that drug offenders subject to drug court programs have a lower recidivism rate than those who are sentenced to prison. Studies have shown that the drug courts are so effective, in fact, that they save more money than they cost.

So, Mr. Chairman, it is time to stop throwing money away on bad crime policy. The evidence shows that truth-in-sentencing has not reduced crime, but we do know that drug courts and Boys and Girls Clubs will reduce crime, and that is why I hope my colleagues will support this amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague from Virginia for his leadership on this issue and also thank the chairman and the ranking member for their hard work on this appropriations bill.

I am a supporter of judicial discretion, and I am also a supporter of

tough penalties for those who commit violent crimes. But I am also a supporter of prevention and intervention programs that work, particularly programs for children, and I have seen them work in my own State.

In the period from 1993 to 1997 in this country, we did a lot of prison construction. That era is largely over in this country, and in many States, there is an excess of prison beds. The truth-in-sentencing money that is available through the Federal Government is not available to all States, and many States have exhausted their intentions to build more prison space. I believe it is far beyond time to shift our priorities to pragmatic things that work, and I think we have identified two in this budget that deserve more emphasis than they are currently getting in the budget as it is constructed.

The first is drug courts. It is a growing trend in justice in this country. There are about 300 drug court programs now in America, and they are growing every year, commingling together grants from private sources and money from administrative offices of the courts. The idea is with judicial supervision for somebody on parole, for somebody who is committed to trying to turn their life around, who is willing to undergo random drug testing, who will accept escalating sanctions and treatment and incentives to try to get them back on the right track and get them clean.

The good thing about them is that they are working. It is that combination of treatment, immediate sanctions, and incentives, with a lot of supervision, that is working, and it is working in my hometown of Albuquerque, where we not only have started an adult drug court, and the judge there who is doing very well with it, but we are looking at expanding that to other parts of the State and also starting a juvenile drug court to reach kids earlier.

The other program that does work and I think needs to be supported deals with kids. I used to be the head of the Children Youth and Families Department in the State of New Mexico. We had responsibility for child welfare and also for the juvenile justice system.

Kids need a safe place to be, and they need a caring, responsible adult in their lives. All of us would hope that that responsible adult is a parent or a grandparent, but it is not always that way.

There are a lot of programs that deal with kids that provide mentors for kids: 4–H and the Boy Scouts and children's youth groups at church, and Future Farmers of America; we have seen them all in all of our communities. But the things that the Boys and Girls Clubs seems to do better than most is reach the kids in most need. They are in the housing projects. Sixty-one percent of the kids in Boys and Girls Clubs are minority; half of them come from single-parent families. They are in 50 States and in Puerto Rico and in the Virgin Islands and serve 3.1 million children in America, giving them a safe place to be and positive, caring adult role models and constructive things to do.

I met a lot of kids, mostly boys, in the juvenile justice system in the State of New Mexico. Most of them were involved in gangs. Half of them had a parent with a drug or alcohol problem.

□ 2030

Almost all of them had little or no contact with their dads. Sometimes they were tough, violent thugs. Then, in a moment, you would see a boy.

We need to work with these kids while we still have the chance to help them turn their lives around before they throw them away and send all of us the bill.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would cut the Local Law Enforcement Block Grant by $60.8 million, and that program is critical to our State and local law enforcement fight against crime. It is a very popular program with local communities.

The amendment would add funding to the Boys and Girls Clubs to help at-risk youth and increase funding for the drug courts, both of which this subcommittee has dramatically increased funding for over the last couple of years.

In fact, more funding has been provided in our bill for these activities than was requested of us by the administration. At-risk youth funding includes $50 million for the Boys and Girls Clubs. That is up from I think it was $40 million a couple of years ago. There are $250 million for Juvenile Accountability Block Grants that the Administration proposed to eliminate altogether, and there are $287 million for Juvenile Justice programs. Those amounts do not include the nearly $200 million that is in the COPS program for school violence programs.

So we have funded and funded and funded programs for at-risk youth. We have also funded big increases for drug courts. That has been one of the shining examples of bipartisan cooperation here in this body in our subcommittee, because drug courts have come from nowhere in the last 3 years in funding.

Our bill includes $40 million in direct appropriation for the drug courts program. It also includes $523 million for the Local Law Enforcement Block Grants, again, which the administration proposed to eliminate. Historically, communities spend between $10 million and $15 million of their local law enforcement block grants on drug courts each year.

Our bill also includes $250 million for the Juvenile Accountability Block Grant program, which could be used to fund the juvenile drug courts. This program is also proposed to be eliminated by the Administration.

As for reducing the State Prison Grant program, which this amendment would also do, a Bureau of Justice Assistance report from last year concluded that the requirements of a State Prison Grant program have resulted in increases in the time violent offenders actually served behind bars. This program keeps our streets safe by keeping violent offenders behind bars.

There may be several reasons for the recent drop in violent crime. The fact remains, whether we like it or not, prison works. We now have the lowest level of violent crime in America's recorded history. A good part of that is because we have beefed up these accounts in this bill against amendments just like this.

Historic figures show that after incarceration rates have increased, crime rates have moderated. The need for additional prison capacity remains. While some States may have excess prison capacities, others are a long way from reducing their overcrowding problems.

So to conclude, Mr. Chairman, in total, our bill provides increases over the Administration's request for at-risk youth and drug courts, and we have to fulfill our commitment to the States to continue the State Prison Grant funding program, which we promised them in our law a few years back. I urge a rejection of this amendment.

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

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would ask the gentleman, the amendment was designed to take money out of the truth-in-sentencing grant and not the law enforcement block grant, but specifically, just the truth-in-sentencing grant money that all States do not even qualify for.

Mr. ROGERS. The gentleman may have improperly drafted the amendment, because he may intend to cut from something else, but the fact is that he cut the Local Law Enforcement Block Grant.

Mr. SCOTT. We asked Legislative Services to draft it such that only the truth-in-sentencing block grant was implicated, and we have been advised by them that that is what it does.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. SCOTT, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, as I understand it, one of the points of confusion may be here that this is the Scott-

Wilson second amendment, not the first amendment. The money is taken from page 28, line 5, which I think is the truth-in-sentencing grant.

Mr. ROGERS. Reclaiming my time, I am sure the intent is as the gentleman has said, but the earmark increased the amount for Boys and Girls Clubs, which is an earmark within the local law enforcement block grant program, but they did not increase the local law enforcement block grant program by that amount, which means that the money is coming out of the local law enforcement block grant program. So that is the effect of the amendment.

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

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, the reduction is on page 28, line 5.

Mr. ROGERS. Nevertheless, Mr. Chairman, regardless of this question, the fact remains that we have funded the Boys and Girls Clubs generously in the bill, and we have funded the drug courts generously in the bill, and the cuts that the gentleman is proposing would come from programs that are desperately needed and underfunded as they are.

Mr. Chairman, I would urge a rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. SCOTT:

Page 27, line 4, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 32, line 14, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 32, line 23, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Mr. SCOTT. Mr. Chairman, this amendment would move $10 million from the truth-in-sentencing prison grant funding to the community-oriented police services crime identification technology program. The money would be there for use of States to use for eliminating their DNA testing backlogs, including the backlog of rape evidence cases.

Mr. Chairman, I would advise the minority that the Congressional Quarterly inadvertently said it came out of another fund, but the amendment is supposed to come out of the truth-in-sentencing money and go to the community-oriented policing services crime identification technology program.

Mr. Chairman, over the last 10 years, DNA has moved the role of forensic laboratories from bit player to star player in the criminal justice system. I am proud to say that my State of Virginia has been a leader in the use of DNA evidence. Our crime lab, under the professional direction of Paul Ferrara, was one of the first to use DNA testing for criminal justice purposes.

Not only has the DNA analysis proved to be an efficient and convincing way of identifying perpetrators of serious and sometimes heinous crimes, but it has also proved a convincing way to exonerate the wrongfully accused and sometimes imprisoned individuals.

For example, DNA played a prominent role in the recent moratorium on executions instituted by the Governor of Illinois after the Innocence Project established that 13 people on death row in that State were actually innocent. It is bad enough, Mr. Speaker, to have an innocent person wrongly convicted, Mr. Chairman, but it also means that the real perpetrator remains free to commit more crimes.

Just this morning a man from Montgomery County, Maryland, a few miles from here, was released from rape and murder charges based on DNA analysis, and another person who was currently being held on the charge of rape in another case was apparently implicated.

Currently there are hundreds of thousands of collected but untested DNA samples from offenders and suspects from around the country. Last week during consideration of a bill to address the backlog our colleague, the gentleman from New York (Mr. WEINER), reported that New York City alone has over 16,000 unprocessed rape kits.

No one in this House, Mr. Chairman, has been a stronger advocate for more funds for DNA testing than our friend and colleague, the gentleman from New York (Mr. WEINER).

None of the proposals before the House at this time are sufficient to address the backlog fully, but several bills are being considered by the Committee on the Judiciary, and one of which was reported from subcommittee included a $10 million authorization, and therefore, the $10 million request in this amendment.

Mr. Chairman, the truth-in-sentencing prison grant program can only be used for prison construction, so the money is sending tens of millions of dollars to a few eligible States, some of which, like my State of Virginia, do not even need the money for that purpose.

Virginia has thousands of beds that it rents out to other States or keeps empty. Other States have accumulated truth-in-sentencing money because they are not currently building prisons, and many States do not even qualify for any of the money at all, but all of the States qualify for DNA testing and have DNA testing backlogs.

Mr. Chairman, tragically, because of the DNA backlog, thousands of individuals who have committed serious crimes remain free while police waste their time, as well as waste the time and lives of innocent suspects.

In the meanwhile, we are sending money for States for prison building, whether they need it or not. To add insults to injury, a recent study by the Rand Corporation on truth-in-sentencing prison incentive programs concluded that it was not reducing crime at all.

Mr. Chairman, I would hope that we would better prioritize our scarce resources for protecting public safety and properly administering criminal justice by putting them first to use in sorting the guilty from the innocent and apprehending the guilty.

Accordingly, Mr. Chairman, I ask my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is already in this bill in the COPS program $130 million for the Criminal Identification Technology Act, the CITA programs, which the gentleman has just described, very vital to the Nation's criminal system. The COPS program includes $130 million. There is plenty of money there.

The way the States go after that money, they go through the Office of Justice Programs, which administers the COPS grants. The money then goes to the local areas. The distribution is equitable across geographic lines. So there is already money there.

Number two, the gentleman's amendment would again cut the State Prison Grant program, a commitment made by this Congress years ago to help States build prisons to house the State prisoners, provided they require the prisoners to stay there for a goodly percentage of the time they were sentenced for.

So I would urge that we reject this amendment. There is already plenty of money in the CITA program, within the COPS program administered by OJP, and the cuts would come from every State in the Union participating in the State prison construction program.

I urge a no vote.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Scott amendment to address the enormous DNA backlog problem that police departments have all across the country. While we have heard many comments about how there is money in

this program or that program, the Scott amendment specifically targets the DNA backlog.

I have been working on this issue for some time, and last fall the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. RAMSTAD) and I introduced a bill to cut down on the DNA backlogs that exist in our police departments all across the country.

We have been successful in getting this issue heard, and now I hope tonight we will be successful in getting this issue funded.

I am pleased to report that the Subcommittee on Crime of the Committee on the Judiciary has been moving this issue forward, thanks to the efforts of the gentleman from Virginia (Mr. SCOTT) and other Members of the Committee.

Right now State and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These States simply do not have enough time, money, or resources to test and record these samples.

□ 2045

In Michigan, my home State, from 1998 to 1999, around 5,000 samples sit on a shelf unanalyzed. In Virginia, where the gentleman from Virginia (Mr. SCOTT) is, 191,762 cases of DNA sit in the backlog. In California, 132,000 cases sit unanalyzed. The source of this information is the FBI Lab Survey of Criminal Laboratories in the summer of 1999. Nationwide, that backlog is over 700,000 cases.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigators.

An example, John Doe is a convicted offender serving time for sexual assault. By law, his DNA has been collected. But because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim. Even if the police collect his DNA from the crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on the shelf somewhere waiting to be tested. John Doe will stay on the streets, and he will commit more crimes.

We need these funds. Because every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped if we just put a little bit of resources into the DNA backlog.

This amendment answers a call by the police, communities, and victims. We need to stop the criminals that until now have been able to strike and strike again at our society without being caught.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment that the gentleman from Virginia (Mr. SCOTT) has offered. Mr. Chairman, we have spent too short a time dealing with the questions of innocence. We have spent a lot of time putting the burden of proof on the defendant when it actually should be on the prosecution in a criminal case. That is the system of governing that we have that the State comes into the courtroom with a burden. That burden is enhanced by the technology and the equipment that our law enforcement officers have.

I am delighted to see the gentleman from Michigan (Mr. STUPAK) stand as a former police officer and head of the Law Enforcement Caucus. I think there is no question that our law enforcement officers want to be able to investigate with the tools that will allow them to find the perpetrator, the one who committed the crime, versus the innocent. Law enforcement officers are committed to making sure that the victims are not further victimized.

I think the gentleman from Virginia (Mr. SCOTT) has a very good amendment, because, in fact, we have seen in hearings and data of the backlog of the need for DNA testing, whether it is from a rape charge or whether it is in another charge.

I have been on this floor today because this is the Commerce, Justice, State appropriations bill; but at the same time, we are dealing with an execution pending in the State of Texas. In that case, with Mr. Graham, there was no physical evidence and no need for DNA testing. There was, however, ballistics testing that was never presented in his trial.

It is clear that we have a broken system when we cannot find the support elements that are needed for law enforcement and for our legal justice system to go into court armed with the strongest evidence that presents the innocence or guilt of the individual being tried.

I believe that a mere $11 million is truly an insufficient amount to add to the question of helping to aid in someone's innocence. I would ask that our colleagues support the Scott amendment. It is a good amendment, and it adds to the justice for which we all advocate.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in a nondescript building in Long Island City, in Queens, in New York City, a warehouse, in fact, evidence from crime scenes is collected and stored. It is everything from people who had sold umbrellas and videotapes illegally on the streets to people who had committed more serious crimes.

In the back of this warehouse are two giant refrigerated rooms, larger than one would find in any restaurant. In those rooms is a hall of horrors, 16,000 rape kits, evidence that was collected at rape scenes. Each one of those kits represents a crime waiting to be solved. Each one of those kits represents a woman who was victimized who has not found justice.

The reason they are stored there is they are awaiting DNA tests. The gentleman from Michigan (Mr. STUPAK) spoke eloquently about the need to clear the backlog of those who are convicted offenders who have given their blood to be loaded on to the crime computers for evidence. But every one of those evidence kits is also awaiting analysis, DNA analysis to be matched hopeful to find the criminal who committed those crimes.

Unfortunately, the bill that we are considering today does nothing to assure that any dollars, not even a single one would necessarily go to the localities to help them deal with that backlog. They have that backlog in New York City and elsewhere because of money, plain and simple. It is more expensive to test evidence than it is to convict offenders.

The present block grant system which provides money to the States could very easily not trickle down at all to localities, because that is the way it is happening now. In fact, the present law that allows the money to be used for convicted offenders does not allow it to be used to test evidence kits. It does not allow localities to get access to the money to test to find out if we can match that crime scene with someone who is already in our prisons who has passed through the system in the past.

That is why the amendment of the gentleman from Virginia (Mr. SCOTT) is so very valuable. It is just the tip of the iceberg. $10 million is even less than some of the bills that we are marking up in the Committee on the Judiciary.

I believe that it is a small incremental step. I must confess that I regret that it has come from the source it is coming from. This entire bill, the levels, it is kind of like taking one tiny level and reducing it to even a tinier level to make one almost invisible level visible.

But the fact remains this is a problem that needs to be solved. It is also a problem that we cannot afford to wait on. Virtually every State in the Union has statute of limitation laws governing rape and sexual abuse. The clock is ticking. Every single day in New York, six rape kits, six groups of evidence, six women awaiting justice are not able to get the justice because we do not have the resources to test those kits.

Now, some prosecutors have become innovative and have started indicting and pressing charges against John Doe, just filing charges against DNA and nothing else. But this amendment is a small and modest step to allow us to begin to do some of this DNA analysis.

I have got to tell my colleagues the gentlewoman from Texas (Ms. JACKSON-LEE) who just spoke about this being used to exonerate the innocent. But I tell my colleagues what is going to happen when they do these tests of these evidence kits, we are going to find a hit.

We just had one in Yonkers, New York where, by happenstance, there was an evidence test done by a locality with money in their local budget, and it was a hit against someone in New York State's prison. If my colleagues think this is only a problem in New York City, I can tell my colleagues rapists are recidivists. They rape again and again and again, and they cross State lines to do it.

One of the benefits of the Scott amendment, it would load the data about the DNA onto the NCIC computers so to allow someone in Texas who is investigating a rape to test against convicted offender samples in Dallas and also convicted offender samples in Delaware.

What his amendment would allow also, and perhaps even more importantly, is to test some of the evidence that has been gathered at crime scenes.

Mr. Chairman, this is not an academic issue to a woman who has been raped 4 years ago and 6 months. Because for her, in 6 months, in the State of New York, the statute of limitations will lapse, and she is going to lose the chance.

I urge my colleagues to support the Scott amendment to fund DNA testing on some of this evidence, something that is not funded in the bill presently.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Virginia (Mr. SCOTT) to increase funding for crime prevention programs.

This amendment we are addressing now, as my colleagues know, takes $10 million from the Truth in Sentencing Fund and applies it to the COPS program for DNA testing. Our colleagues, particularly the gentleman from Michigan (Mr. STUPAK), who was a law enforcement veteran, have spoken eloquently about this amendment.

I would like to talk about the previous amendment of the gentleman from Virginia (Mr. SCOTT) in conjunction with this and commend him for his leadership on both of them.

The Scott amendment that was already addressed by this House would provide $121 million for crime prevention programs to assist young Americans to stay out of trouble and become responsible adults. This investment would provide $60.8 million to Boys and Girls Clubs of America and the same amount, $60.8 million, to the national Drug Courts program to continue their excellent programs. Those courts have made a tremendous difference.

For the last 13 years, the Boys and Girls Clubs of America have worked with at-risk youth living in or near America's public housing and now have more than 300 affiliate clubs. These clubs provide a safe haven, constructive programs, and have proven positive results. An independent analysis by Columbia University demonstrated that these clubs had a significant impact on juvenile criminal activity, which dropped 13 percent, on drug activity which dropped 22 percent, and on the presence of crack cocaine which dropped 25 percent.

The 400 Drug Courts throughout America prevent crime effectively. These locally driven Drug Courts employ experienced criminal justice professionals and substance abuse counselors to work individually with Drug Court enrollees. In 1998, Columbia University's independent analysis demonstrated that Drug Courts reduced drug use and criminal behavior substantially. In addition to directly benefiting our youth, the Drug Court system's annual costs are less than $2,500 per person, significantly less than the $20,000 to $50,000 annual cost to incarcerate drug-using offenders.

To fund these investments, the Scott amendment provides responsible offsets. Specifically, this one taps half the funds from the Truth in Sentencing program and leaves adequate Truth in Sentencing funds. In 1999, only 30 States were even eligible for these funds. Furthermore, Truth in Sentencing funding is available for only one use, prison construction. This amendment provides an opportunity to shift our juvenile justice policy from incarceration to a policy of prevention, assistance, and rehabilitation. Before we build more prisons, we should invest in youth. We get more value for the dollar spent. For the same amount of money invested in prisons, we do not go very far, and we do not prevent very much crime. For the same amount of money invested in youth, we have very, very positive results.

In addition to benefiting our youth, this amendment benefits States with added flexibility. It addresses the problem in current law that limits TIS funding to prison construction only. It eases this restriction by enabling States to invest in proven prevention programs. For example, the State of Virginia, the Truth in Sentencing State, has excess prison capacity and is currently trying to lease 3,200 prison beds to other States. We should not penalize Virginia or other States that do not want more prevention. States with excess prison capacity should be allowed to invest in proven crime prevention programs. We should support State and local decision-making on this issue.

At a time today especially very significantly, Mr. Chairman, when we are all engrossed in watching the actions in Texas related to the death penalty case and whether Gary Graham will be executed tonight, the need for us to have more funding for DNA testing is even more important.

So this amendment that is before the House right now is a very important one. I urge my colleagues to support it and support the amendment that the gentleman from Virginia (Mr. SCOTT) has called for a vote on, the previous amendment heard by the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 27, line 4, insert after the dollar amount the following: ''(increased by $8,000,000)''.

Page 29, line 2, insert after the dollar amount the following: ''(increased by $8,000,000)''.

Page 79, line 16, insert after the dollar amount the following: ''(decreased by $8,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I intend to withdraw this amendment, but I do want to speak to it and, as well, another issue that is extremely important. This is an important issue, and it has to do with providing monies to fund the Violence Against Women grants, additional monies.

□ 2100

The reason that this amendment was offered is because this program is in great need to fund such programs like STOP programs, Services Training Officers/Prosecutors. So I would have offered this amendment so we could continue the civil legal assistance programs to address domestic violence in programs like Safe Start that provide direct intervention and treatment to youth who are victims or even perpetrators of violent crimes.

The dynamics of domestic violence are all encompassing and usually start as emotional abuse that evolves into physical abuse that can result in serious injury or death on not only women but also children. In the Committee on the Judiciary we are now reauthorizing the Violence Against Women Act. The Violence Against Women grants also fund victims of child abuse programs and training programs that serve the young victims of domestic violence that either experience or witness violence.

It is alarming to note that, according to the National Coalition of Domestic Violence, between 50 and 75 percent of men who abuse their female partners also abuse their children. Moreover, at least 3.3 to 10 million American children annually witness assaults by one

parent against another. Consequently, the children of domestic violence are at a high risk of anxiety and depression and often experience delayed learning skills.

Domestic violence affects women of all cultures, races, occupations, and income levels. Ninety-two percent of reported domestic violence incidents involve violence against females. Although domestic violence affects women across all racial and economic lines, a high percentage of these victims are women of color. African American women account for 16 percent of the women who have been physically abused by a husband or a partner in the last 5 years. African American women were victims in more than 53 percent of the violent deaths that occurred in 1997.

This amendment would have provided vital services that provide much-needed civil and legal assistance to the victims of domestic violence. This is an important issue in my State. In Texas, there were 75,725 incidents of family violence in 1998, an estimated 824,790 women were physically abused in Texas in 1998. Of all of the women killed in 1997, 35 percent were murdered by their intimate male partners. In 1998, 110 women were murdered by their partners.

An example of the importance of this legislation is the impact that the Violence Against Women Act grants have had on services in local communities. In Houston we have the Houston Area Women's Center, which operates a domestic violence hot line, a shelter for battered women and counseling for violent survivors. The center provides all of its services for free.

Mr. Chairman, I would like to enter into a colloquy with the ranking member, the gentleman from New York (Mr. SERRANO). I know that the gentleman has worked on this issue dealing with violence against women, and I would hope that as we move this bill through conference that we can all look for opportunities to ensure that these efforts for funding for these special programs are funded at at least the maximum amount that will get the most amount of services throughout this Nation.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I would advise the gentlewoman that this is an issue of great concern to all of us on this side, and certainly to a lot of Members in the House; and it is our intent, as we go through the conference procedure, to see to it that special care is taken in paying special attention to these issues so that these programs can be funded at the proper level.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, in a moment I will be asking to withdraw the amendment, but before I do, I would also like to acknowledge an amendment that I had intended to offer, and I will put the statement regarding that amendment in the RECORD.

It is unfortunate that this amendment was not allowed to be brought to the floor because of the funding question. Again, we know that points of order can be waived, but we must surely realize that we are doing a disservice to many of these issues because points of order are being offered against crucial issues that we are facing.

I am particularly facing such an issue in Texas, with the need for increased border patrol presence along 8,000 miles of international land and water boundaries through the areas of Arizona and Texas. We have already found immigrants buried in the border areas because of the tragedy of the encounters at the border.

We know our border patrol agents are doing the very best job that they can, but I had offered legislation to increase the amount of border patrol agents in the Border Patrol Recruitment and Retention Act of 1999. I would have wanted to restore the $24 million that would have increased their salaries as well as their training.

I look forward to working with my Senator, Senator HUTCHISON, to do this on the Senate side because it is a very important issue. I will put my statement in the RECORD, but I am disappointed that we were not able to positively respond to the needs of these border patrol agents. My commitment to them is that we will continue to work with them to encourage this funding to occur during this time frame.

Mr. Chairman, I take the floor of the House today to address an issue that I have been interested in since I have become Ranking Member of the Subcommittee on Immigration and Claims. Early in the 106th Congress I sponsored a bill, along with Congressman REYES, H.R. 1881 the "Border Patrol Recruitment and Retention Act of 1999."

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased the compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on personnel offices of the Department of Justice or INS.

The "Border Patrol Recruitment and Retention Enhancement Act" moved Border Patrol agents with one year's agency experience from the federal government's GS–9 pay level (approximately $34,000 annually) to GS–11 (approximately $41,000 annually) next year.

However, this year Mr. Chairman, $24 million is missing to give these Border Patrol men and women upgrades. The INS included a pay reform proposal for Border Patrol Agents and Immigration Inspectors as a part of its 2001 budget. This proposal was to upgrade the salaries of Border Patrol Agents from GS–9 to GS–11. Additionally, funds ($50 million) to support the upgrades were included in the 2001 budget. The Border Patrol upgrades cost $24 million. My amendment will restore the $24 million back into the budget, specifically the Border and Enforcement Affairs Account.

The subcommittee report indicating the recommended level does not assume the proposed increase in the journeyman level for Border Patrol Agents and Immigration Inspectors.

We are a nation of immigrants and a nation of laws. The men and women of the United States Border Patrol put their lives on the line every day of their lives. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries, and work in the deserts of Arizona and Texas.

These proposals must be enacted and funds provided, if INS is to retain the current workforce and continue hiring more Border Patrol Agents.

Mr. Chairman, I ask unanimous consent to withdraw the amendment offered to increase funding to the Violence Against Women Act grants.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by title I of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $595,000,000, to remain available until expended, of which $384,500,000 is for Public

Safety and Community Policing Grants pursuant to title I of the 1994 Act, including up to $180,000,000 to be used to combat violence in schools; and of which $210,500,000 is for innovative community policing programs, of which $45,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots'', $5,000,000 shall be used to combat violence in schools, $130,000,000 shall be used for grants, as authorized by section 102(e) of the Crime Identification Technology Act of 1998, and section 4(b) of the National Child Protection Act of 1993, as amended, and $29,825,000 shall be expended for program management and administration: *Provided,* That of the unobligated balances available in this program, $150,000,000 shall be used for innovative policing programs, of which $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), as amended, $100,000,000 shall be used for a law enforcement technology program, $15,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and $10,000,000 shall be used to combat violence in schools.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY:

Page 32, line 14, after the dollar amount, insert the following: ''(increased by $150,000,000)''.

Page 33, line 2, before the comma, insert the following: '', $150,000,000 shall be for the State and Local Gun Prosecutors program, for discretionary grants to State, local, and tribal jurisdictions and prosecutors' offices to hire up to 1,000 prosecutors to work on gun-related cases''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY) for 5 minutes.

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

Mrs. LOWEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, may I ask the gentlewoman to yield for a moment. I believe that my amendment is on a line ahead of hers; and I would ask, just so we do not go out of order, if she would withdraw.

Mrs. LOWEY. Which page is the gentleman's amendment on?

Mr. WEINER. I believe mine is line 11. I am not sure.

The CHAIRMAN. The Chair would advise the Members that both amendments are in the same paragraph, and in deference to the senior New Yorker that is why the Chair recognized the gentlewoman from New York.

Mr. WEINER. I understand. I thank the Chair. I just wanted to make sure I was not losing my place, and I apologize, with all due deference, to the senior Member.

Mrs. LOWEY. I certainly accept the apology of my colleague, the gentleman from New York; and I am delighted that he is a member of our delegation.

The CHAIRMAN. The gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I want to express my deep disappointment that this bill does not include the President's request for $150 million to fund 1,000 State and local prosecutors in high gun violence areas. And I want to thank my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from Michigan (Ms. STABENOW), and the gentlewoman from Connecticut (Ms. DELAURO) for their important work on this issue.

If there was one thing it seemed most Members of this Congress agreed on, it was the important role that enforcement of gun laws plays in making our communities safer. My amendment would provide funding for this purpose.

Of course, I believe, as does the majority of the American people, that tough enforcement, with common sense gun safety measures, go hand in hand. We need to punish those who break existing laws, but we also need to put in place new preventive measures, like closing the gun show loophole and keeping guns out of the hands of children and criminals. But not only have we failed to pass such common sense measures, we are now neglecting to fund critical law enforcement of existing gun laws.

I am delighted to see that this bill funds the hiring of additional Federal prosecutors for gun crimes, and I commend the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), and the ranking member, the gentleman from New York (Mr. SERRANO), for that. But without community-based initiatives, without State and local prosecutors able to attack this problem on a smaller more focused scale, we are not doing nearly enough.

It is absolutely critical that we focus more funding on the prosecution of gun crimes if we are going to wage a strong fight against gun violence in this country. So I urge my colleagues to vote for the Lowey, McCarthy, DeLauro, Stabenow amendment to boost our investment in the safety of our communities and our children.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. ROGERS. I reserve the point of order.

Ms. STABENOW. Mr. Chairman, I rise in support of the amendment that the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from New York (Mrs. MCCARTHY), and the gentlewoman from Connecticut (Ms. DELAURO) and myself have introduced.

This is a very, very important amendment; and as my colleagues will speak tonight, this speaks to something we should all agree on. Regardless of which side Members of the House are on as it relates to other issues relating to gun safety, we all agree that strong enforcement of gun laws is absolutely critical to protect our children and our families. In this vein, I have introduced H.R. 4456, which would similarly to this amendment authorize $150 million for local prosecutors to focus on gun violence.

In my district in Michigan I have frequently sat down with my sheriffs and prosecutors and police chiefs and others and asked them what we can do to support their efforts. And just as they strongly support community policing and what has been done by adding more officers in our neighborhoods and communities across the United States, they have been saying loudly that they need additional resources to focus on local prosecution and State prosecution of our gun laws.

We understand that there is a serious issue here. Those that are violating our gun laws need to be prosecuted quickly, and our communities are telling us they need more resources to do that. Let us join together this evening, let us show this evening that regardless of the side that an individual is on on other measures relating to gun safety, we all can come together around this amendment and understand that with additional resources to our States and our local communities that we can reduce gun violence, we can prosecute those who are committing crimes with guns, and we can make our streets safer for our children.

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

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

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me; and, Mr. Chairman, I do continue to reserve the point of order, but let me say this about the substance of the amendment.

This program is neither authorized or even well defined. No one knows what we are talking about here. What is a high gun violence area? There has to be some definitions so we can administer a law when it is passed. No one knows what that means. Does it mean three guns per square mile or 5,000 guns per square mile?

I am just tempted to think that this is not thought out very well. In fact, I question whether the $150 million requested for so-called gun prosecutors could even be awarded in fiscal 2001. In fiscal 1999 and in fiscal year 2000 we appropriated a total of $15 million for the Community Prosecutors program; and through April of this year, Department of Justice has yet to award all of its 1999 funding, much less the 2000 year

funding. And they tell us that only about 140 communities will apply for funding in fiscal year 2000. Well, if only 140 communities are interested in this program, and they have not spent 1999 monies, why do we need more money in fiscal 2001?

In fact, I say to my colleagues, Mr. Chairman, that the block grant programs which the Administration proposed to eliminate, that goes to State and local communities for law enforcement, a total of $523 million, is in this bill that could be used for that purpose if they want to. There is plenty of money here sloshing over the sides for local law enforcement to use for these purposes. We do not need another program, especially one that is unauthorized and, two, that cannot be defined.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, before we hear from my other colleagues, I would just like to respond to our distinguished chairman that I am delighted to know that there is some money in the budget; but this President has made a very, very forceful commitment to go after these criminals and, as I understand it, my colleagues on the other side of the aisle share that commitment.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield to me.

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would simply respond to the gentlewoman that this President zeroed out the $523 million that we provided, the Congress provided, for local law enforcement block grants. He said zip. Zero. It is gone.

□ 2115

Now, if my colleagues want to talk about who is committed to wiping out gun violence, let us talk about the fact that the Congress has funded, as I said before, $15 million as long ago as 2 years ago and they have yet to spend it. The Administration has yet to make those grants. They have got money laying there. They cannot even give the money out they have got laying there. On top of that, we are piling more money on this year in this bill and they cannot spend it. They cannot or they will not. I do not know what the case is.

But the point I wanted to make is, they do not need any more money. They have got plenty laying down there they will not give out to these communities to prosecute gun violence.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Lowey-McCarthy-DeLauro-Stabenow amendment. We are hearing constantly that we are not doing enough to certainly enforce the laws that are on the books. I think that what we have been hearing constantly, even from their side of the aisle and actually from everywhere, is that we are not doing it.

So what I am saying is that taking this amendment and taking the money and putting it into local. And as far as saying we do not have any statistics, I can tell my colleagues, we can probably talk to any mayor or any local community and they can tell us where they need the help the most as far as local prosecutors go.

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

Mrs. McCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the point I want to make was that there is $523 million in this bill for local law enforcement block grants that goes to local police forces, that goes to local sheriffs, that goes to community police forces, that they can use for whatever purpose they want. Prosecute gun violence. The money is there.

Why do they need more money?

Mrs. McCARTHY of New York. Mr. Chairman, reclaiming my time, I think the problem is right there when we talk about the block grants. I know my local police, certainly on the block grants, I know what they use it for. They are certainly using it for the community policing and they have done a tremendous job as far as working into the community. They also have set up different funds as far as domestic violence and everything else.

What I am saying is we should be taking this money and target it just exactly, not a block grant, but target it exactly for prosecution of gun violence.

Mr. ROGERS. Mr. Chairman, if the gentlewoman would continue to yield, the money can be done that way. I mean, the monies are available for whatever they want to use it for. Let them target it as they see fit, locally. If they think there is a gun problem in their community, use the money for that purpose.

I would point out also, there is the Local Law Enforcement Block Grant program, $523 million; and, also, there is the COPS program, another $500-something million for hiring cops for whatever purpose they wanted.

On top of that, there is zillions of dollars for Violence Against Women Act, there is Juvenile Justice block grants, there are block grants and grants that are not spent, including the money I mentioned, the $15 million a year, for community prosecutors for the last 2 years, all of which has not yet been spent.

Mrs. McCARTHY of New York. Mr. Chairman, reclaiming my time, again I will say to the chairman, the monies that we have given to our local communities, it has been wonderful, but a lot of times I know my local communities are making choices of where to put the money.

What I am saying is certainly all of our larger cities, especially, could use these prosecutors so they can go only strictly after the guns and still have the monies, because we know there is never enough money for anything, and have those community programs still on base.

Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to observe that the grants under the bill have to pass through the States to get to the localities.

The great success of the COPS program is that it takes police departments, even the smallest police departments, for example, and targets the assistance directly to them.

What the amendment of the gentlewoman would do would allow small localities, and very often the States cherry-pick these things, that is what is going to happen with the DNA funding.

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

Mrs. McCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the local law enforcement block grants go through no State government. They go directly from here to their local police force, to their local sheriff, to their community police force. There is nobody in between. They can use it as they see fit in their application for the grant.

Mrs. McCARTHY of New York. Mr. Chairman, reclaiming my time, obviously, it is always good to have a debate like this. I know that monies are short. I know that, through my community especially, even though they are going for the grants, because we help them write the grants to get the monies for the local communities, I am saying that we can always do a better job.

I know the incidence of gangs on Long Island is increasing constantly; and I know if we had more prosecutors, we could work with the local communities and actually get these young people off the streets because they have possession of guns.

With that being said, I think that we should be doing more and more, as much as we can do, and get tough on gun crime. This is one part of what a lot of us believe in on enforcing the laws that are out there. And with that, we do need this money.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, Mr. Chairman, I do.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lowey-McCarthy-Stabenow-DeLauro amendment and the strongest possible enforcement of our gun laws.

For more than a year, the Republican leadership and the gun lobby have delayed and they have denied attempts to strengthen our laws to keep guns out of the hands of kids and criminals. All the while they claim we are doing nothing to enforce existing laws.

Their mantra on the enforcement issue is a smoke screen, pure and simple. Their strategy: if they twist the truth, they confuse the issue.

This issue is a question of balance. We all agree no law is worth being on the books if it is not enforced effectively. That is why we need to strengthen the law and strengthen enforcement. We have asked for simple enhancements in our gun safety laws. Close the gun show loophole, put child safety locks on guns, and ban the importation of high-capacity ammunition clips.

To complete the balance, we must also help the men and women of law enforcement do their job. Today we have the opportunity to do that by funding the President's request for $150 million to fund a thousand State and local prosecutors in high gun violence areas.

But once again, the Republican leadership and the gun lobby oppose both sides of the balance, both stronger laws and stronger enforcement. That is a lethal combination for our children and for our police on our streets.

The gun lobby has spent millions telling Americans that we do not need any new gun safety laws when we do not enforce the laws already on the books. At the same time, they have also fought enforcement tooth and nail. For years they attacked the Bureau of Alcohol, Tobacco and Firearms, the lead agency for enforcement of Federal gun laws.

As a result of the gun lobby's attack against the ATF, it has not had enough resources to effectively do what they are charged to do, which is to enforce our gun laws.

But suddenly, over the past year, the gun lobby changed their tune. Now they are all for enforcing the laws they so vehemently opposed for decades. The hypocrisy should be obvious.

The reality is that our existing gun laws are being enforced. This administration's strategy of strengthening our laws and empowering law enforcement has worked. Since 1992, violent crime has dropped 20 percent and violent crimes committed by guns fell by more than 35 percent.

Investment in State and local law enforcement is up nearly 300 percent since 1993, allowing Federal, State and local law enforcement to create strategic alliances to combat gun crimes. Federal prosecutions of firearms laws have risen 16 percent since 1992.

The results are clear. Tougher laws, stronger enforcement, safer streets.

This amendment would provide a much needed increase in our support for gun crime prosecutors. Now is the time to stop talking about enforcement and start doing something about it. We have that opportunity here tonight to increase the opportunity of local law enforcement to commit themselves to making sure that our gun laws are enforced through support.

If my colleagues support stronger enforcement and safer streets, then they will support this amendment tonight.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, I do, Mr. Chairman.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my friends from New York and Michigan and Connecticut.

Last year we had a debate over a very divisive and emotional issue about adding a new Federal protection to regulate the sale of guns at gun shows. And I remember that night, I think all of us remember that night, the very moving and personal and eloquent statement of our friend, the gentlewoman from New York (Mrs. MCCARTHY). And I thought one of the most disappointing moments of that night, because her position did not prevail, was the excuses that were given.

We were told last year that a new Federal prohibition or regulation of guns was unnecessary because there were so many State gun laws that were effective so we did not need a Federal law. And we were told that we did not need a new Federal law closing the gun show loophole because what we really needed was more enforcement of those existing State gun laws.

Well, Mr. Chairman, we have a chance tonight to find common ground on an issue that is very often divisive, because the amendment that my friends are offering offers that common ground. It says to those who were in opposition to the position of the gentlewoman from New York (Mrs. MCCARTHY) last year, closing the Federal gun show loophole, they say that they want greater reliance on State laws, here it is. Because this amendment is about greater enforcement of existing State gun laws. And they say the problem is not adding new gun control measures, it is enforcing existing gun control measures.

Well, Mr. Chairman, here it is. Because what this amendment does is to enforce more expeditiously and more aggressively existing gun control measures.

I believe that this vote tonight is a test of the true position of those who oppose the position of the gentlewoman from New York (Mrs. MCCARTHY) last year. If it is really true that their objection to closing the gun show loophole was that State law should take priority, if it is really true that their opposition was based on the fact that more enforcement of existing laws is the right way to go, Mr. Chairman, here is the chance to prove it. Because what this amendment does is to say, we will put more fire power, for prosecutorial muscle, at the State and local level, not into new laws, not into new Federal laws, but into the enforcement of existing State and local gun laws.

Now, if this amendment is not successful tonight, and I hope that it is successful tonight, I would ask, what is it, then, that those who oppose our position really want? Is it that they just want a different kind of public protection for gun safety or that they do not really want public protection for gun safety at all?

I thank my friends for offering this amendment because it will be a litmus test of where people really stand on this very pressing issue of suppressing gun violence in our country.

I urge support of the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 21, 2000 (H.Rept. 106–686). This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

□ 2130

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from New York would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 12 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WEINER: Beginning on page 32, strike line 11 and all that follows through page 33, line 14, and insert the following:

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''), $1,335,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the ''State and Local Law Enforcement Assistance'' account, to be available for the purposes stated under this heading: *Provided further*, That administrative expenses associated with such transferred amounts may be transferred to the ''Justice Assistance'' account. Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $650,000,000 as follows: not to exceed $36,000,000 for program management and administration; $20,000,000 for programs to combat violence in schools; $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; $17,000,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; $45,000,000 to improve tribal law enforcement including equipment and training; $20,000,000 for National Police Officer Scholarships; and $30,000,000 for Police Corps education, training, and service under sections 200101-200113 of the 1994 Act;

(2) for crime-fighting technology, $350,000,000 as follows: $70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601; $15,000,000 for State and local forensic labs to reduce their convicted offender DNA sample backlog; $35,000,000 for State, Tribal and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as improvements to State, Tribal and local forensic laboratory general forensic science capabilities; $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; $5,000,000 for DNA technology research and development; $10,000,000 for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; $6,000,000 to establish regional forensic computer labs; and $199,000,000 for discretionary grants, including planning grants, to States under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

(3) for a Community Prosecution Program, $200,000,000, of which $150,000,000 shall be for grants to States and units of local government to address gun violence ''hot spots'';

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $135,000,000 as follows: $35,000,000 for a youth and school safety program; $5,000,000 for citizens academies and One America race dialogues; $35,000,000 for an offender re-entry program; $25,000,000 for a Building Blocks Program, including $10,000,000 for the Strategic Approaches to Community Safety Initiative; $20,000,000 for police integrity and hate crimes training; $5,000,000 for police recruitment; and $10,000,000 for police gun destruction grants (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (Public Law 106–113)).

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. WEINER. Mr. Chairman, at the outset I would like to commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for their acknowledgment in this bill of the success of the COPS program and the allocation of $595 million for that program similar to last year's levels. My amendment brings the funding levels up to the budget request of the President to fully fund the COPS program.

First, I think that it is an important threshold that we have reached in this body that both sides of the aisle now embrace the COPS program, a program that once was extraordinarily controversial; and there are still Members who are grudging in their support of this program. It is a program that has funded police officers at the local level throughout this country, police departments big and small. It has been an unqualified success. But this amount still underfunds one of our most important law enforcement programs.

I am curious why, Mr. Chairman, the majority has decided to slash by more than half the amount requested by the President for COPS. Late last year the Justice Department released statistics showing that serious crime declined for the seventh year in a row. Today the crime rate is at a 26-year low, the murder rate is at a 31-year low. The rising tide of crime in the 1980s has clearly turned, and the COPS program deserves at least some of the credit.

Five years into the life of the COPS program, over 100,000 officers have been funded. Over 60,000 new officers are on the streets today. Within the next 3 years when the hiring, training and deploying cycle which has been slowed, frankly, by the economy that all local police departments must go through is completed, over 100,000 officers will be patrolling our streets. But the bill we are considering today does not contain the funds necessary to continue this success. The bill eliminates funding for community prosecutors, cuts funding for critical technology like DNA analysis as we spoke about earlier and backlog reduction that would reduce crime and provides no increase for funds to expand community-based crime prevention.

The chairman of the subcommittee earlier characterized this bill as sloshing with money. That is exactly how it is being allocated, in giant splashes as we throw large sums of money at States; and we hope and we pray and we wish and we grimace and we say maybe some of it will go to DNA testing, maybe some of it will go to community courts.

This amendment makes sure that the COPS program is fully funded. I would hope that the chairman would withdraw his point of order. The amendment I am offering today along with the gentlewoman from Michigan (Ms. STABENOW) would fully fund the President's request for COPS. Our amendment provides funds to add up to 7,000 additional officers and includes $350 million for crime fighting technology as well as $200 million for community prosecutors. We set some of these targets so that local government can better address gun violence hot spots.

Today's bill includes no increase in funds to expand community-based crime prevention. Our amendment changes this. We put $135 million in for prevention activities like school safety programs, police integrity and hate crimes training and gun destruction grants. Full funding of these programs requested by the President is critical if the Nation is going to continue to see drops in crime. This administration has seen perhaps the most dramatic reductions in crime, the most dramatic increase in prosecutions at all levels of government of any administration in recent memory.

I would note, Mr. Chairman, that one of the majority's objections to fully funding COPS is that language to authorize these programs has not been introduced. That is not true. The gentlewoman from Michigan and I introduced H.R. 3144, a bill that would authorize all of the programs funded in our amendment. H.R. 3144 has 166 cosponsors. We look forward to its consideration in the Committee on the Judiciary.

Finally, Mr. Chairman, I would point out that I approached the Committee on Rules and asked that this be made in order. It is subject to a point of order. I would ask the chairman not to insist upon that point of order.

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

Mr. Chairman, I am in opposition, of course, to the amendment; and I will insist upon the point of order. But before doing so, let me correct a couple of pieces of information.

Like all other State and local law enforcement grant programs, COPS in this bill is funded at the same level as the fiscal year 2000 bill was. Our bill provides $745 million, of which $595 million is direct appropriations, the same level as fiscal year 2000, and $150 million is unobligated balances. That level continues to fund the existing COPS programs, including $385 million for hiring cops and $360 million for continuation of the successful nonhiring technology and crime prevention programs. Our hiring number is within $30 million of the Administration's request after funding for all of the unauthorized and relaxed hiring provisions are withdrawn.

We continue successful nonhiring programs such as bulletproof vests, COPS technologies and Crime Identification Technology Act grants, that is

CITA, that is for DNA testing and the like, police courts and the methamphetamine cleanup program which is so important to so many Members of this body.

Funding is not included, however, for new unauthorized and unproven programs, but COPS is funded at the same level as this year.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

''No amendment to a general appropriation bill shall be in order if changing existing law.''

This amendment gives affirmative direction. In effect, it imposes additional duties, and it modifies existing powers and duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. STABENOW. Mr. Chairman, I would ask to speak on the point of order and ask that this very, very important program be allowed to proceed. I would ask the chairman to withdraw. I appreciate the comments that he has made, but he is speaking on a baseline that basically cut the program in half last year, so to say we are funding it at the same level does not give us what our communities need.

In Michigan we have seen over 3,400 police officers added to our communities. It has dramatically reduced crime. It is critical for the communities and the families in Michigan that we fully fund community policing with all of the technology, all of the other efforts to make sure that this moves forward at its complete and fully funded level. I would ask the chairman to withdraw that in keeping with the strong support for fully funding of what is the most important crime-fighting effort we have seen in this country in many, many years, which is the community policing program.

The CHAIRMAN. Do any further Members wish to be heard on the point of order?

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this amendment. Let the record show that this is one of President Clinton's first and most successful initiatives. Police chiefs, sheriffs, and criminal justice experts across the country join me today in my strong support of the COPS program. This program provides grants to local police departments to increase the number of officers patrolling our neighborhood streets. It has directly contributed to reducing the Nation's crime rate to a 26-year low. The COPS program is a prime example of a successful partnership between the Federal Government and police forces at the local level.

For example, in Florida's third district, the Jacksonville Sheriff's Department has received a total of $13 million in COPS grants which has led to more officers on the beat and less crime. It is no coincidence that there has been a decrease in crime across the State of Florida. At the same time there has been an increase in the number of local police officers. This is now the eighth consecutive year that the crime rate has dropped and the COPS program has served police departments by providing them with the necessary funds, technical assistance and support the local departments need to keep our Nation's communities safe. COPS has put more police in our Nation's schools at a time when school violence has escalated.

It is clear where the priorities of the majority party lie. Instead of focusing on enforcement and crime prevention, the funding in this bill goes toward expanding juvenile detention centers. Instead of increasing funding for drug rehabilitation programs, they are appropriating money to lock up more of our Nation's citizens by funding items like State prison grants and expanded correctional facilities by more than nine times the amount requested by the President.

Again, I urge my colleagues to support the COPS grants and to vote no on overall passage of this unjust bill. Someone seems to have missed the important point. More prevention, not more prisons, should be the message that Congress sends to our Nation, especially to our children. The secret is to fight crime before it happens and not afterwards. One way to do this is with community policing.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Ms. LEE. Mr. Chairman, I rise on the point of order. I would like to be heard on the point of order.

The CHAIRMAN. Does the gentlewoman wish to address the body?

Ms. LEE. On the point of order.

The CHAIRMAN. The Chair is prepared to make an announcement on the point of order.

Ms. LEE. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. LEE. Mr. Chairman, I rise in strong support of the Weiner-Stabenow amendment which would provide this badly needed increase in funding for the COPS program. The COPS program has been a valuable tool to increase peace and safety in communities across the country. Cities and communities across the Nation are turning to community policing.

Mr. ROGERS. Point of order. The gentlewoman must confine her remarks to the point of order.

The CHAIRMAN. The point of order is sustained. The gentlewoman should confine her remarks to the point of order. She may strike the last word after the Chair rules.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to a Federal official. The amendment therefore constitutes legislation. The point of order is sustained. The amendment is not in order.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Community policing is a strategy that builds on fundamental policing practices with an emphasis on crime prevention and lasting solutions to problems. It works. It requires new resolve from citizens and new thinking from police officers.

On May 12, 1999, the United States Department of Justice and COPS reached an important milestone by funding the 100,000th officer ahead of schedule and under budget. But we must not stop here. We must maintain our investment in this very worthwhile program. Funding for COPS will provide many thousands of additional officers on our Nation's streets and will provide safety in our schools.

COPS grants are also used to invest in the technology needed to solve crime and reduce the current backlog. This program is important because the funding is used to prevent crime and violence, and it fosters better relations between our police officers and the public. In many of our urban communities, tensions have mounted between police and minority communities. We must do everything we can to reduce these tensions. Increasing funding for community policing really will help do this. Through the school and value-based partnership initiatives, COPS will also reach out to our youth before they become entwined in criminal activity. The COPS program is about law enforcement, training, support, prevention, and most importantly safer communities.

For these reasons, we must provide additional funding. I stand in strong support of this amendment and encourage my colleagues to join me in supporting this worthy program.

□ 2145

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

Mr. Chairman, I support the Weiner-Stabenow amendment to increase the appropriations for Community Oriented Policing Program, COPS. The amendment includes funds for law enforcement in Indian country.

We believe that public safety is important to all of us. We believe that public safety is important not only in training and prevention and public safety in our schools, it is important that we provide adequate funding. As we look across the Nation, across the States, that is one of the highest priorities that we have is public funding and

public safety and funding for law enforcement.

The Commerce, Justice, State appropriations bill provides zero funding for Indian country law enforcement initiatives, zero funding for tribal courts, zero funding for COPS grants set aside for Indians.

We have the responsibility for Native American Indian as well, to every other individual as well. What we basically do is we provide public safety in other areas but when it comes to tribal, we do not provide the funding here. This is wrong. We must fund these programs. It is important that we recognize Native American Indians who have given to this country.

For this reason, earlier this year, I introduced H.R. 487 to honor Native Americans. Native Americans have shown their willingness to fight and die for our Nation in foreign lands.

Native Americans honor the American flag at every pow wow and a lot of us have attended those. It is shameful that the Republican leadership zeroed out funding for Native American law enforcement in this bill.

This funding is critical in light of the information from the Justice Department and the confirmation that while national crime continues to drop, crime rates continue to rise and continue to rise in Native American sovereign country.

Violence against women, juveniles and gang crime and child abuse remains a serious problem. It does not matter where it is at, it is a problem that exists, and we must provide public safety.

We need to support funding for Native American laws and enforcement. It is the right thing to do, and this bill would provide the funding in that area. It is the just and right thing to do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $267,597,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (title XIII of H.R. 1501 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,500,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

In title I, in the item relating to ''GENERAL PROVISIONS—DEPARTMENT OF JUSTICE'', strike section 103.

Ms. DEGETTE. Mr. Chairman, the amendment I am offering today strikes section 103 from title 1 of the general provisions of the Department of Justice. In effect, this amendment strikes the language in the bill which prohibits the use of Federal funds for abortion services for women in Federal prison.

Mr. Chairman, unlike other American women, who are denied Federal coverage of abortion services, most women in prison are indigent, they have no access to outside financial help, and they earn extremely low wages in prison jobs.

They are also incarcerated in prisons at great distance from their customary support system of family and friends. As a result, inmates in the Federal prison system are completely dependent on the Bureau of Prisons for all of their needs, including food, shelter, clothing and all of the aspects of their medical care.

These women are not able to work at jobs that would enable them to pay for medical services, including abortion services. The overwhelming majority of women in Federal prisons work on a general pay scale and earn from 12 cents to 40 cents an hour or roughly $5 to $16 per week.

The average costs of an early, outpatient abortion ranges from $200 to $400. Abortions after the 13th week of pregnancy cost $400 to $700. Even if a woman in the Federal prison system earned the maximum wage on the general pay scale and worked 40 hours a week, which many prisoners do not, she would earn enough in 12 weeks to pay for an abortion in the first trimester if she so chose. After that, the costs of an abortion rises dramatically, and the woman is caught in a vicious cycle. Even if she saved her entire prison income, every single penny, she could never afford an abortion.

If Congress denies women in Federal prison coverage of abortion services, it is effectively shutting down the only avenue these women have for their constitutional right to pursue an abortion.

Let me remind my colleagues that it is still legal in this country. Let me also remind my colleagues that for the last 27 years, women in America have had a constitutional right to choose an abortion, which does not disappear when a woman walks through the prison doors.

The 3rd Circuit Court of Appeals has ruled on this very point. Nonetheless, the consequence of this funding ban is that inmates who have no independent financial means are foreclosed from the choice of an abortion in violation of their rights under the 14th amendment of the Constitution.

With the absence of funding by the very institution prisoners depend on for their health services, many pregnant prisoners are, in fact, coerced to carry unwanted pregnancies to term. The antichoice movement in Congress decries coverage for abortion services to women in the military, women who work for the government, poor women and women ensured by the Federal Employees Health Plan.

I vehemently disagree with all of these restrictions. I think they are wrong and mean-spirited. But when Congress denies abortions for women who are incarcerated, the Congress is in effect denying women their fundamental right to choose, and that is wrong.

Let me spend a moment to talk about the kind of women in the Federal prison system. Many are victims of physical and sexual abuse, that is how they got pregnant in the first place, and, unfortunately, this cycle can continue once they are incarcerated by abuse by correctional staff as reported in a recently released GAO report. Two-thirds of the women are incarcerated for nonviolent drug offenses.

Many of them are HIV-infected or have full-blown AIDS, and Congress thinks I guess that it is in the best interests of the country to force these women to have children.

This debate is not about the parenting abilities of women in prison. It is about forcing some women to have a delayed abortion at a greater risk to their health. It is about forcing some women against their will to bear a child in prison when that child will be taken from her at birth or shortly thereafter.

In the latter case, it is unfair and cruel to force a woman who does not have the emotional will to go through her pregnancy with limited prenatal care, isolated from her family and friends, and knowing that the child will be taken from her at birth.

What will happen to these children, these children who are born to prisoners? Will they be raised by the relatives who do not care about them? Will they be sent to an agency to become a ward of the State? What will happen to them?

I doubt that those opposed to this amendment have any real serious answer to this question. In 1993, Congress did the right thing when it overturned this barbaric policy.

Mr. Chairman, I urge my colleagues to do the same and support the DeGette amendment. Let us stop the rollbacks on a women's reproductive system.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that there is no denying a compelling yet somewhat underpublicized trend in America today: Americans in increasing numbers are profoundly disturbed over the killing of unborn children. 40 million babies have been killed to date, and Americans are rejecting in increasing numbers the violence of abortion.

Americans, especially women, recognize that abortion is indeed violence against women. A recent nationwide Los Angeles Times poll, conducted just a few days ago in June, confirms that a significant majority of both men and women now recognize abortion to be the murder of an innocent and defenseless child.

The LA Times poll found that in an astounding 61 percent—let me say that again—61 percent of the women of America say abortion is murder. Giving that finding, it is not surprising that the LA Times poll, a nationwide poll, found that support for Roe v. Wade, the infamous Supreme Court decision that legalized abortion on demand, is declining in a big way.

The headline of the LA Times story that appeared in my newspaper at home, the Trenton Times, said support for Roe v. Wade is softening. I hope as lawmakers and as politicians we recognize this trend that is staring us right in the face.

In addition, the poll also found that only 43 percent of the respondents supported Roe v. Wade, and that compares with 56 percent back in 1991. In other words, my colleagues, there has been a 13 percent drop in support for Roe v. Wade over the last 10 years.

Mr. Chairman, the word is getting out: Abortion is violence against children, and it hurts women. The inherent value and worth of a baby is in no way diminished because the child's mother happens to be incarcerated.

Children, I believe, are precious beyond words. The lives of their mothers, likewise, are of infinite value. Forcing taxpayers to subsidize the killing of an incarcerated woman's child makes pro-life Americans accomplices, complicit in the violence against children.

Mr. Chairman, I urge a very strong no on this amendment. Mr. Chairman, I think we have got to face the truth, a truth that this poll clearly suggests: abortion, whether it be dismemberment or the killing of a child by way of injections of salt poisoning which literally burns that child to death—we have to look at the methods and the act of abortion itself. What does it entail? High powered suction machines, 20 to 30 times as powerful as a vacuum cleaner, with razor blade tipped ends that slice and dismember the legs, the arms, the body, the head, and kill the baby in a very, very cruel fashion. That is the reality that the DeGette amendment says we ought to pay for.

I, like many Americans, profoundly reject that. Let me also point out that the poll showed as well most Americans do not want their tax money being used to subsidize abortions.

We have had, I say to my colleagues, this amendment before us before. It has been soundly rejected. I hope that we will have the wisdom of those previous votes. Hopefully we will look at the way the polls are going, because Americans are waking up. The megatrend, if you will, is in favor of life.

Let us enfranchise both mother and baby, let us provide protection for both. Vote against this amendment, it will lead to more killing of more babies.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment and want to thank her for her leadership once again this year on this issue. This amendment would strike the language banning the use of Federal funds for abortion services for women at Federal prisons.

Through our judicial system, we certainly try to seek appropriate responses to illegal actions. Women in prison are being punished for the crimes that they committed, whether we agree with the fairness of the criminal justice system or not, they are doing their time, that is a fact.

However, we are addressing a different issue today. Today we discuss civil liberties and rights which are protected for all in America and remain so even when an individual is incarcerated.

Abortion is a legal option for women in America, whether my colleagues agree with it or not. It is a legal option. Since women in prison are completely dependent on the Federal Bureau of Prisons for all of their health care services, the ban on the use of Federal funds is a cruel policy that traps women by denying them all reproductive decision-making.

The ban is unconstitutional, because freedom of choice is a right that has been protected under our Constitution for 25 years. Furthermore, the great majority of women who enter our Federal prison system are impoverished and are often isolated from family, friends and resources.

We are dealing with very complex histories that often tragically include drug abuse, homelessness, physical and sexual abuse. To deny a basic reproductive choice would only make matters worse than the crisis in essence that the women are already faced with by being in the Federal prison system.

□ 2200

The ban on the use of Federal funds is a deliberate attack by the anti-choice movement to ultimately derail all reproductive options for all women. As we begin chipping away basic reproductive services for women, I ask my colleagues, what is next? The denial of OB-GYN examinations and mammograms for women inmates? Who is next?

Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little. Freedom of choice must be unconditionally kept intact. Therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote yes on the DeGette amendment.

Mr. PITTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the DeGette amendment. The DeGette amendment is public funding of abortions. We should never forget that abortion is the most violent form of death known to mankind. It is death by dismemberment, by decapitation, by horrible violence; and it is outrageous that the pro-abortion radicals would want to force the American taxpayers to pay for the abortion of Federal prisoners.

Instead of sending a message to Federal prisoners that the answer to their problem is to kill the baby, they should be shown to take responsibility, to consider what is best for the child they are carrying. While these women in prison deserve our sympathy, our compassion, paying for an abortion will neither show them that we are concerned for their well-being nor will it help them put their lives back together.

By offering care, not abortions, to prisoners and their unborn babies, these women will see that problems are not solved by eliminating other human beings, and men and women should be taking responsibility and consider what is best for the child they conceived.

The children of prisoners are of no less value than any other children. No child should be treated like a throwaway. Being the child of an incarcerated woman does not make anyone less human.

Mr. Chairman, someone said in the debate when we were debating this last session, who will speak for these children, and went on to say we must speak for these children. Well, if that is true, that we must speak for these children, then I guess the supporters of the DeGette amendment believe that unborn children of Federal prisoners want to be killed by their mothers. In fact, children must desire death so much that the American taxpayer should be forced to fund it.

We should not be punishing the baby for the crimes or sins of their mothers. I ask my colleagues to vote no on the death of unborn children at the expense of all Americans. I urge a no vote on the DeGette amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeGette amendment to strike the ban on abortion funding for women in Federal prison. This ban is cruel, unnecessary, and unwarranted.

A woman's sentence to prison should not include the penalty of depriving her of her constitutional right to decide for herself whether to carry her pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and they earn extremely low wages from prison jobs. Inmates in general work up to 40 hours per week and earn up to 12 to 40 cents an hour. They are totally dependent for the health services they receive on their institutions. Most female prisoners are unable to finance their own abortions, should they choose them, and, therefore, in effect are denied their constitutional right to an abortion if they choose them.

Many women prisoners are victims of physical or sexual abuse and are pregnant before entering prison. In addition, they will almost certainly be forced to give up their children at birth. Why should we add to their anguish by denying them access to reproductive services?

We ought to keep this debate in perspective. We are not talking about big numbers. Statistics show that in 1997, for example, of the approximately 8,000 women in Federal prison, 16, one-six, had abortions, and there were 75 births. So it is a small number of people we are talking about, and we should understand that as we continue this debate.

The ban on abortions does not stop thousands of abortions from taking place; rather, it places an unconstitutional burden on a few women in a difficult situation.

I know full well that the authors of this ban would take away the right to choose from all American women if they could, but since they are prevented from doing so by the Supreme Court and by the popular will of the American people who overwhelmingly support freedom of choice, they have instead targeted their restrictions on women in prison, women in prison who are perhaps the least likely to be able to object.

Let me also comment on some of the statements we have heard in this debate so far. We know that some people believe, and obviously the authors of this ban, and we heard some of them say so a few minutes ago, that abortion, all abortion, is taking of innocent human life, is murder. That is a legitimate, defensible point of view; but that is all it is, a point of view. It is not a fact.

There are some people who believe that a person is a full human being at conception, that there are some religions that teach that. There are other religions that teach that life in effect begins at some later stage of pregnancy. Those are religious points of view. They are not susceptible to scientific decision.

For myself, I do not know where life begins. I do know that I could not countenance, that I see no difference between a 9-month term baby the moment before it is delivered and the moment after it is delivered. On the other hand, I see no human value, no sacred spark of light that must be protected at all cost in a 10 or 8 or 16 cell blastula, and somewhere in between those two stages something changes. Perhaps when the fetus develops feelings, I do not know.

But these are very personal questions, and questions that nobody has the right to impose an answer on for someone else. And that is why we favor choice. Let each individual woman who has to struggle with that pregnancy and with that decision make her own moral decision.

Nobody has the authority to tell that woman, to impose on that woman, their own view of when that fetus, when that blastula, when that embryo, when that zygote becomes a human being and force that decision on her. None of us has that authority; none of us has that wisdom.

Some of us have the thought that we should impose our own thoughts or religious views on the woman. I do not think we have the right to do so, and the Supreme Court has said we do not have the right to do so, and that reduces this debate to a debate over whether we should use our ability to control some funds to impose on a few unfortunate women in prison our opinion as to when the life begins in their uterus and our opinion or our fiat that they should be deprived of their constitutional right to make that moral and humbling choice for themselves. I do not think we ought to do that.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend from New York for yielding.

Mr. Chairman, just let me ask my friend, is there any point in the pregnancy, any point in the 9 months, the normal gestational period, at which time the gentleman believes that child is sufficiently formed, sufficiently mature, that all the body systems are working, as we all know with ultrasound, is there any point where the child deserves protection?

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. NADLER. Mr. Chairman, the answer is yes, I do. As I said a moment or two ago, I do not see a difference between the baby a moment before or a moment after delivery at full term. When that dividing line is, I do not claim to know. I certainly do not claim to impose my opinion on any woman who has to make that decision for herself with respect to her own pregnancy. She must make the decision as to the morality and the rightness of what she chooses to do, and that is why I favor freedom of choice, because I cannot impose my opinion on that question on anyone else. I am not even sure of the answer for myself.

Therefore, this comes basically down to just another way of trying to get around a woman's constitutional right to make that choice for herself, and to impose some of our opinions, some of the opinions of those of us in this Chamber on every individual woman, and that we have no right, no moral right, and the Supreme Court has said to us we have no constitutional right to do; and that is why this amendment should be adopted.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that was offered by the gentlewoman from Colorado (Ms. DEGETTE). Actually, as I listened to her statement, I thought it was exceedingly well presented in terms of the total facets of making sure that women in prison have constitutional rights too.

In 1976, the United States Supreme Court found that deliberate indifference to the serious medical needs of prisoners constitutes an unnecessary infliction of pain, a violation of the eighth amendment to the Constitution.

Most women are poor at the time of incarceration, and they do not earn any meaningful compensation from prison jobs. This ban closes off their access to receive such services and thereby denies them their rights under the Constitution.

There has been a 75 percent increase in the number of women incarcerated

in the Federal Bureau of Prison facilities over the last decade, twice the increase of men. Most women in prison are young and have frequently been unemployed. Many have been victims of physical or sexual abuse. Additionally, the rate of HIV and AIDS infection is higher for women in prison than the rate of men.

These women have the greatest need for full access to all health care options. Abortion is a legal health care option for women. It has been for over 25 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban in effect prevents these women from seeking needed reproductive health care.

This ban on Federal funds for women in prison is a direct assault on the right to choose. I urge my colleagues to join me in supporting the DeGette amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment. Quite simply, this amendment offers women in prison, who are solely dependent on Federal health services, their constitutional right to reproductive services.

Women in prison have no resources, no means to borrow money, very little support from the outside. In fact, 6 percent of incarcerated women are pregnant when they enter prison; and we know that women become pregnant in prison, from rape or from having a relationship with one of the guards.

This ban to deny abortion coverage is another direct assault on the right to reproductive choice. It is time to honor the Supreme Court decision of Roe v. Wade by acknowledging it is every woman's right to have access to safe, reliable abortion services.

We must stop the rollback on women's reproductive freedoms, we must provide education and resources to prevent unwanted pregnancies, and we must vote on the DeGette amendment and protect all women's rights to reproductive choice.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeGette amendment. I rise in support not to make the case. As a matter of fact, the case has been adequately made, eloquently made. But I think it is important that we note, increasingly are people becoming incarcerated, increasingly are females becoming incarcerated in this country; and it would seem to me that if we value rights, then the right to health care should not be denied any person, no matter where they are.

So as women are in prison, they, too, should have the right to make decisions, to make choices, to make determinations; and I would urge that we not deny them the right to make a choice, to decide, to make a decision about their own health and the health care that they will receive.

□ 2215

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, abortion is a legal health care option for women in this country and has been for almost 30 years, and this right should be no different for Federal prisoners. For that reason, I rise in strong support of the DeGette amendment.

Mr. Chairman, we have all heard all of the arguments I think, but I want to tell my colleagues about an experience that I had when I was in the State legislature in Illinois. We wanted to talk about real options for mothers in prison, or women who gave birth in prison. All of those who are so in favor of taking away the constitutional rights of women to have an abortion, to choose an abortion, ought to think about what happens when that woman does have the baby.

I had legislation that would have offered women in prison who were nonviolent, short-term offenders, that is their prison sentence was less than 7 years, to be in residential settings where they could be mothers and could be with their children and could prepare for a life after prison to be with their children. That is not at all what happens, and that bill did not even get out of committee to be considered on the floor, because oh, no, we are going to punish these women, and now we are going to punish them to the extent that we are going to force them to have that child, but that child is going to be immediately ripped away from that mother whether she wants that baby now or not, is going to be put into a foster care system which throughout the country is known to be inadequate; this child is going to begin life at an enormous disadvantage. I would like to see if somebody cares about what happens to that child after birth, not just from conception to birth, but what happens to that child after that child is born.

So not only are we stripping these women of their constitutional right to make a choice, but in many ways, we condemn the outcome of that, the child that is born to a life of deprivation.

Mr. Chairman, I think we have to begin by doing what is right and allowing the constitutional rights of those women to be exercised when they are in prison, and to continue to give them reasonable options, if they want to carry that baby to term, to be able to have a setting in which motherhood and childhood can thrive and survive.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would rather not be here this time of the evening having to strike the last word to stand up for women who cannot stand up for themselves, but since there are those who have chosen to pick on the most vulnerable women, women in prison, those of us who are free, those of us who have a voice, must take this time to speak for those women.

It is about time that we show some compassion and understanding regarding this very personal issue. I think it is time that we talk about this issue, at least in ways that we can respect everybody that is involved. Why would this Congress insist on bearing its weight again on this vulnerable population in our Federal prisons?

Consider the plight of some of these women. Yes, it has been said here this evening, for whatever reasons, the numbers of women incarcerated is increasing. Those numbers, for whatever reasons, are getting higher and higher. Many of them are being convicted on conspiracy charges. Many of these women have not been proven to be guilty of anything. Many of them are the mates or the spouses of others, of men, who are involved in drug trafficking and they get caught up in this web through the surveillance techniques and all of those things that we have. So they are there. Many of them, yes, are HIV infected and some of them happen to be pregnant women, but pregnant women who are incarcerated.

I do not believe that I have the right to force my will on this woman regarding the choice to bring a child into the world. I believe that woman, like her peers outside of the criminal justice system should have a choice, a say regarding the decision to carry to term the child.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted? What happens to these children that sometimes are born HIV infected to drug-infected women? We do not know what happens to them, and I say to my colleagues, I believe that there are many who do not care what happens to them. They go out somewhere, maybe if they are lucky, they get into foster care. These are children that are doomed to poverty, doomed to the inability to have a decent life.

So, that is not our choice, it is the choice of the woman who finds herself in this unfortunate predicament.

It has been found that many female prisoners enter prison suffering from a marriage of physical and psychological ailments, and many are pregnant before they enter prison. I know that the issue of abortion is one that has deep religious and philosophical implications. Notwithstanding, abortion is legal in this country, and it is still a legal health care option for women in this country, whether we like it or not.

Mr. Chairman, I would urge my colleagues to vote yes on the DeGette

amendment. Women in prison deserve to have access to needed health care services, and they deserve to have choice.

Mr. Chairman, those of us who have been involved in this struggle so that women have the right to choice can stand here and make this argument, and my colleagues cannot do anything to us, they cannot pick on us. They have lost the fight. Abortions are legal. So what are they doing? They are moving to this vulnerable population because they think they cannot do anything about it. Are we not brave? Are we not great public policymakers? We can get those women in prison. However, they cannot do anything about all of those women who come to the floor, all of those women out there who are organized, all of those women who can stand up for their rights. They lost that battle a long time ago, but yes, women in prison, aha, we found somebody that we can take away this constitutional right, this guaranteed right.

Mr. Chairman, I would ask my colleagues to vote aye on the DeGette amendment. It is the only fair thing to do. It is the only reasonable thing to do. It is the only thing that good public policymakers, good public policymakers who would know how to use their power in a much better fashion than this, not picking on the vulnerable, not picking on those who cannot stand up for themselves. I think my colleagues deserve to treat yourselves better than that.

Let us vote for this amendment and put it behind us.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the DeGette amendment. The DeGette amendment would strike section 103 which prohibits Federal funding of abortions, except where the life of the mother would be endangered, or in the case of rape.

As I understand it, while legalized abortion may be somewhat controversial in America, there is very little controversy over the use of U.S. taxpayer dollars for the purpose of performing an abortion. The vast majority of Americans are very, very strongly opposed to this, and many of those people are pro-choice. I believe the reason why many people who are pro-choice are opposed to Federal funds being used for an abortion is because they recognize that it is the taking of a human life, and I think out of the respect of those who have very strong opposition to this, they think it is a reasonable thing that we should not be taking tax money from these people who believe that abortion is evil and use it for the purposes of performing an abortion.

Just because these women happen to be incarcerated, I believe that it in absolutely no way undermines the sanctity of the human life that is in the womb. Indeed, when I am in Washington here, I stay around the corner from the Capitol, and my wife was watching this debate with me, and she asked me to come down because she felt so compelled that the arguments that were being made were just so ludicrous.

I could go on and on and on. But there is a person I would like to quote from who I believe is a much more powerful person to speak on this issue, Mother Teresa who, of course, has gone on to be with the Lord. But in 1994 at the National Prayer Breakfast Mother Teresa said, ''please don't kill the child. I want the child.'' She went on to say, ''We are fighting abortion with adoption.''

It has been said this evening, what will happen to these kids? Most of them get adopted or they go to be with the family of the incarcerated inmate. Mother Teresa went on to say, ''The greatest destroyer of peace today is abortion because it is war against the child, a direct killing of an innocent child.'' She then urged all Americans and diplomats who were assembled at that meeting to more fully understand the linkage of abortion with other forms of violence. She said, ''Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. That is why the greatest destroyer of peace and love is abortion.''

Now, I believe Mother Teresa was right in saying those words. I am a physician. My mother was pro-life, but when I was in school, I came under the influence of a lot of liberal thinking and I began to question, indeed, whether or not legalized abortion should not be okay. But then I had an experience as a medical student of actually seeing an abortion and realizing that it was the killing of an innocent human life.

We as physicians, we are frequently asked to pronounce people dead who have expired, and what do we do? We listen for heart beats. In people who have had serious brain injuries, we look for brain waves. All of these children have beating hearts and brain waves. Many of my pro-choice physician colleagues, when I talk with them about this issue and they explain to me why they think legalized abortion should be available, they always close their arguments with this statement, they always say: though I believe it should be legal, I would never perform an abortion. Now, why do they say that? Because they know exactly what it is. It is the taking of a human life.

It has been said tonight that this amounts to only 15, 50, 100, 75 a year. Nobody would propose a lax attitude if a new drug came out, certified by the FDA, but had a side effect of killing 15, 20, 30 people, or if our food safety system was sufficiently compromised that 50 or 100 people were to die a year. I think one life saved is worth the sacrifice, and I think one life saved is worth the argument, and I strongly encourage my colleagues on both sides of the aisle to reject this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the DeGette amendment. Here we go again, Mr. Chairman. This time it is an amendment to lift a restriction on access to abortion for women in Federal prisons. Today marks the 146th vote on choice since the beginning of the 104th Congress when the Republican Party gained the majority in this House. Each of these votes is documented on my Choice Report which can be found on my web site, www.House.gov/Maloney.

Access to abortion has been restricted by this Congress bill by bill, vote by vote. The majority is chipping away at a woman's right to choose procedure by procedure. The DeGette amendment seeks to correct one of these attacks on American women.

Women in Federal prison do not check all of their rights at the prison door. Six percent of incarcerated women are pregnant when they enter prison. Do they not deserve this legal medical care just like they would receive for any other medical condition? The answer is yes.

Federal prisoners must rely on the Bureau of Prisons for all of their health care. So if this ban passes, it would continue to prevent these women from seeking needed reproductive health care. Most women prisoners are victims of physical or sexual abuse. Most women, if pregnant in prison, became pregnant from rape or abuse before they entered prison.

□ 2230

Most women prisoners are poor when they enter prison and cannot rely on anyone else for financial assistance. These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

Current law, tragically, ignores these women, and it also tragically ignores children born to women in prison. These children are taken from their mothers, who cannot raise them in a family environment or a stable environment. What kind of life are we providing for them? I urge a ''yes'' vote on the DeGette amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not want to get into this debate. It is very late. But it is difficult to remain silent when so many things are being said about such an important subject. And there is no more important subject, there really is not, because this concerns the nature of man. This concerns the value we assign to that tiny little minute little beginning of human life in the womb. Is

that something we can throw away and destroy because it is now inconvenient or is that a human life and as a member of the human family entitled to life, liberty, and the pursue happiness?

I suggest to my colleagues that that little defenseless, powerless, voiceless little preborn child deserves the protection of society, not its enmity. Rather than picking on the most vulnerable by trying to impose our will on a pregnant woman in jail, we are defending the most vulnerable, which is the unborn child, who has nobody to defend him or her, more likely her than him. It is defending the powerless that we seek to do in not using and withholding taxpayers' money to pay for abortions.

Now, nobody is denying the constitutional right to an abortion. More is the pity. That is one of the tragedies of our time, that our Supreme Court has said it is all right to exterminate another human being for almost any reason during the 9 months. That is what the substance of that decision is. And any more than one had to agree with Dred Scott, one does not have to agree that Roe v. Wade is a good decision. It is not. It is a tragic decision.

But because we have the constitutional right does not mean we have a right to have it paid for, to have its implementation, its exercise paid for by the public purse. We have a right to free speech, but we do not have a right to the Government buying us a megaphone. So make the distinction. No one says they do not have the right, but who should pay for it? The public ought not to have to pay to exterminate innocent children.

My colleagues call it health care. It is not very healthy for the unborn child, abortion. It is terminal. Capital punishment is a popular cause now, and people are rallying to the defense of prisoners who have been convicted beyond a reasonable doubt of murder. Well, the unborn child has committed no crime. It has been brought into the world without any option on his or her part, and she or he is there, defenseless; and it is my colleagues' job and it is my job not to impose a religious view on anybody but to follow the founders of our country who said that we all have an inalienable right to life, liberty, and the pursuit of happiness.

My colleagues can escape this, I suppose, by defining the unborn as not yet human, as one of our good friends did over there when he said he did not know when human life begins. It begins at the beginning. When a woman is pregnant, she is pregnant with what? She is pregnant with life, human life. And that is not animal, mineral or vegetable; it is a tiny member of the human family. And if my colleagues are ambiguous as to when that little tiny entity becomes a beneficiary of the Constitution, then they have not thought about it, and they have a failure of imagination.

No, that little life is a human life. It is vulnerable, it is powerless, and somebody has to defend it. We have to defend it. It is innocent and deserves protection. So I hope this amendment, well-intentioned as it is, but terribly, tragically misguided, is defeated.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I rise in support of the DeGette amendment, and I want to thank my colleague for her strong leadership on this issue.

A woman's right to make a private decision to terminate a pregnancy is the law of the land. The prohibition on prisoners' access to abortion services in Federal prison facilities contained in this bill does not make it impossible for women in prison to obtain an abortion; but it deliberately makes it more expensive, more difficult, and less private. In my view, the only reason the ban does not go further and ban abortion outright is because Americans do support a woman's right to choose.

I respect my good friend and my colleague's views. These are very personal decisions. But we cannot impose our personal views, in my judgment, on the next person. I know that my colleagues would vote, many of them, to overturn Roe v. Wade. In fact, they would probably do it immediately, if they thought they could. But they do not go that far because Americans would not let them do it. Instead, those who oppose a woman's right to choose take every opportunity to make the decision ever more difficult, dangerous, and expensive.

I support the DeGette amendment because I believe that my colleagues' approach is the wrong one. If we agree that there should be less abortions, and I think we all do, we can work and should work together to make the decision to terminate a pregnancy less necessary. The policy we are debating in this amendment, which allows women in Federal prison to pay for an abortion outside but not obtain one inside the prison system, only makes the decision to terminate harder.

What should we do to make the need for terminating a pregnancy less necessary? We can work together to promote contraception access and use. We could work harder to educate people about taking responsibility for protecting themselves from unintended pregnancies. We could do more, my colleagues, to prevent sexual abuse, rape and incest. We could work together, as our constituents clearly would like us to do, to insure that most women never have to make the most personal decision about terminating their pregnancy. Less necessary, not more harassing and less private.

I ask my colleagues to join me in supporting the DeGette amendment. It is the right thing to do. Let us work together to make abortions less necessary. We can do that together.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that is offered by my colleague, the gentlewoman from Colorado (Ms. DEGETTE), and I wanted to thank her for her leadership on this issue. Once again we are forced into a debate about the access to a legal medical service for those whose voices are often ignored and whose rights are neglected.

Regardless of our views on abortion, the Supreme Court has been very clear. The law of the land remains that women have a legal right to choose an abortion. This right remains intact even if a woman is incarcerated. For women in Federal prisons, the Bureau of Prisons is their sole option for health care.

There are also extensive studies about women in prisons who are victims of sexual misconduct. The reality is that most women who enter the prison system are poor and many are isolated from family support. According to the terms of this bill, they are effectively excluded from their legal right to an abortion if they are unable to come up with the money to pay for one of their own.

Some of my colleagues question why we should feel any sympathy for a woman in prison trying to get an abortion. Yes, it is true she may have broken the law. It is true she must give up certain rights. But the courts, the courts have ruled that she does not have to give up her right to an abortion or her right to adequate medical care.

This is not about having sympathy; it is our obligation to provide these women with the reproductive health rights to which they are rightfully entitled under our Constitution. This bill effectively strips that right for the vast majority of female prisoners who are unable to earn enough in prison jobs to pay for private medical services.

That is why we should approve the DeGette amendment today. I ask my colleagues to stop, stop the erosion of this legal right. Stop restricting women's access to health care services. Vote ''yes'' on the DeGette amendment.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the most important, private decisions that a woman has to make in her life, a gift given to her only by God and that only women can participate in, is the right to bear a child. I rise in support of the DeGette amendment.

Regardless of what our personal views are on that very personal decision that women have to make, abortion is lawful in our country. Women who find themselves incarcerated in

the Federal system ought to be allowed to have a procedure that is lawful and, at the same time, use funding that is available through our tax dollars that would allow that lawful procedure to take place.

It is unfortunate that people in this Chamber want to restrict women in several ways and, as we have discussed with the DeGette amendment tonight, a woman's right to choose. Now, whether we personally believe that is a right that is given every woman by God, it is that woman's decision. To restrict it, to withhold funding for a lawful procedure that a woman wants to make with her God and her man or husband or significant other, I think, is appalling.

The DeGette amendment is a good one. The procedure is a legal one. Who gives us the right to determine that we should take the money away from a woman after she has made that most very special important decision? It is not right. I hope we will adopt the DeGette amendment. I hope we will give women who find themselves incarcerated and who will soon be coming back into society, hopefully whole and free and healthy, to make the decision that they see fit for themselves in their lifetime at that time.

Mr. Chairman, I rise to support the DeGette amendment. I thank the gentlewoman for offering the amendment. It is important that we allow women to make this decision. Again, God has chosen her to bear children. Only women can do that. Allow us to make that decision for ourselves.

Ms. PELOSI. Mr. Chairman, I rise to support Rep. DEGETTE's pro-choice amendment to strike this bill's language banning the use of federal funds for abortion services for women in federal prisons. Currently, the law prohibits the use of federal funds to perform abortions in health facilities in federal prisons, except in cases of rape or life endangerment. For women who can afford to pay for a private abortion, the Bureau of Prisons must provide transportation to a private facility. However, other women are denied their rights and the opportunity to make vital decisions determining their own health care.

Women deserve access to the full range of available reproductive health care services, including abortion. Unfortunately, the anti-choice movement continues to deny coverage for abortion services to women who are dependent on federal resources. This includes women in the military, female government employees, poor women, and incarcerated females. These existing restrictions are draconian and problematic and we must fight them all.

The ban on abortion for women in federal prisons is perhaps the most tragic because it denies incarcerated women their fundamental rights and denies them the ability to make their own health care decisions concerning their own medical needs. In federal prisons, federal funds cover inmates' food, shelter, clothing and all health care services. Why do we draw this line in the middle of health care services for women?

Existing law punishes impoverished women and marginalized women. It is an unfair and inhumane law. Women in prison lack the ability to borrow and frequently lack an outside support network. We should not punish these women for their poverty.

I stand with the American Civil Liberties Union and NARAL in support of this amendment. I urge my colleagues to vote for the DeGette amendment and for the rights of all women.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DEGETTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

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

Mr. Chairman, I wonder if I could have the attention of the distinguished chairman of the Committee on Appropriations and the chairman of the subcommittee, as well as the distinguished ranking member.

Mr. Chairman, on each of the last three appropriation bills, we were asked by the majority to agree to an overall time limit so that we could finish the bills on a reasonable time schedule, and we agreed on all three of those bills. Last night, at the close of business, at the direction of the minority leader, I went to the majority and indicated that we would appreciate it if at the beginning of business today, sometime between 9 a.m. and 10 a.m., that the majority would present to us a proposal for time limits on all amendments pending on the bill so that we could get some kind of time agreement so that Members would know where they were, and we could finish this bill at a reasonable time.

□ 2245

We did not receive an offer until fairly late, as you can see, this evening.

I asked the majority leader why it took so long before we could begin negotiations on this bill, and the response that I got was that sometimes bills have to ripen. I, frankly, think that this debate and this bill at this point is over ripe. And we believe on this side that we ought to vote on the pending amendments, that we ought to rise, and that tomorrow morning we ought to come back prepared to get a time agreement to limit debate on all amendments to the bill.

We believe that to prevent amendments from breeding and multiplying that we ought to have an understanding that there would be no further amendments that could be offered from this point on. And we would ask the majority the same request that we asked them last night, if they could present us tomorrow morning with a proposal for time limits on all remaining amendments to this bill.

What we would suggest, after we have discussed this with the gentleman from California (Mr. WAXMAN), who, as you know, feels very strongly about his amendment. He has indicated to us that he would be willing to limit debate on that amendment to an hour.

There has been some expression of concern that that might be too long; and so, he has reluctantly agreed that he would be willing to debate that amendment tomorrow morning for 40 minutes.

And so, what I would urge is that the majority agree to a proposition under which we would vote tonight, come back tomorrow morning, have an understanding yet tonight that when we resume tomorrow morning that the Waxman amendment would be pending for no longer than 40 minutes, and that during that time we could work out a remaining agreement on the rest of the bill so that we could guarantee that the bill would be finished by Monday night.

In that way, everyone can have their say in an orderly way, Members can know when they can catch their planes, Members will know when they have to be here for amendments, Members will also know and the Committee will know that there will not be any additional amendments.

I am sure the majority does not want amendments to be still coming into the desk over the weekend, which is why we are prepared, in an agreement tomorrow morning, to settle all remaining time differences.

I would urge the majority to consider that so that we can be back here at 9 o'clock tomorrow morning ready with an understandable arrangement.

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

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding. I want to thank the gentleman again for his willingness to work on this. We have all worked hard on it.

As I understand, we are talking about probably propounding a unanimous consent after this next series of votes that would close out the filing of any amendments, in which case we would also ask for a 40-minute debate on the Waxman amendment as the first order of business tomorrow morning then, during that time, work out a unanimous consent agreement that would cover remaining pending amendments that would allow us to finish the bill while rising at 2 o'clock tomorrow, finish the bill Monday evening, perhaps with the Committee resuming work Monday afternoon for votes to be rolled after 6 o'clock and then completing the work Monday evening, hopefully at a reasonable hour.

Is that correct, to the gentleman's understanding?

Mr. OBEY. Yes, it is. The only loose end is the question of when you would want to begin Monday. Because, obviously, Members are going to be coming back on their planes and, so, they will not be able to start until mid-afternoon on Monday. Would the gentleman suggest 4 o'clock, or what?

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I think the chairman and ranking member have been consulting on this. We will talk to other Members who might be critical to that interest.

Mr. OBEY. Mr. Chairman, I am sorry, I could not hear what the gentleman just said.

Mr. ARMEY. Mr. Chairman, if the gentleman, I said, will yield, I think both the chairman and ranking member have been consulted about this. We will, of course, go through the courtesy of checking with other Members. But we would propose resuming the debate around 4 o'clock on Monday, holding any votes that are ordered until the 6 o'clock period of time when Members are back from their flights, and then cleaning up all votes that are remaining and then returning and completing the bill Monday evening.

Mr. OBEY. So we would begin the debate at 4 o'clock with no votes before 6 o'clock on Monday.

Mr. ARMEY. Right. And then, of course, Members with amendments that would be up at that time would be advised so that they could be here and finish that night.

Mr. OBEY. If that is acceptable to the majority, then I would urge that the Committee rise and we vote on the pending amendments.

Mr. ARMEY. If the gentleman would continue to yield, I think the appropriate order would now be for the Committee to take the votes that are pending at this time and then we would work out the formal language of the UC that would cover that business that would take us through the amendment in the morning.

Mr. OBEY. Well, what would be left to decide? I mean, we do not want to keep Members hanging around here another hour while we fine-tune something.

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I believe we have two or three votes that are ordered now. We could at this time, I believe the debate is completed on the amendment that was pending, take those votes, during the period of those votes get the formal writing of the unanimous consent that would take us through the evening into the 40-minute amendment in the morning, and then get that propounded and more or less get ourselves locked in for a fresh start in the morning.

Mr. OBEY. So what we would agree to tonight is that there would be no further business tonight, that the Waxman amendment would be pending for 40 minutes tomorrow, and that no further amendments would be in order other than those already at the desk, and then tomorrow morning we will work out the remainder of the unanimous consent agreement.

Mr. ARMEY. Absolutely right.

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

Mr. OBEY. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I certainly do not want to be a stumbling block here, and I would agree to what we have to. But I would hope that for future bills we set up a system by which from the beginning we know we are going to head into this situation and treat the folks that are at the end of the bill with amendments the same way we treat the folks that are at the beginning.

I was lucky, I got my two amendments up front and we are under the 5-minute rule. Now people that will come later will be treated differently.

So if we know that we are always going to run into this, why can we not start off a bill knowing that this is the way we are going to have to treat it rather than have to play this game at this end.

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

Mr. OBEY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, let me just say to the ranking member, your point is well-taken. We try to be as courteous and considerate of all the Members as we can and also of the floor managers' ability to get their bill up and move it along. But, again, your point is well-taken.

Let me again emphasize the point. As we work this thing through, it will be necessary for us to complete the work on this bill Monday night. I believe, with all good diligence and cooperation, we could do that at a reasonable hour Monday night. But we will want to finish it Monday night.

Mr. OBEY. Mr. Chairman, reclaiming my time, with that understanding, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened attentively to this discussion between the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. ARMEY), and I would like to suggest that the complaint that we have used too much time on this bill and the two previous bills is valid. We have used too much time on the bill. But I would offer to my friend from Wisconsin that the vast majority of that time was consumed by your side and most of the rhetoric was pure political rhetoric.

Now, we have been very accommodating. We have allowed the debate to go on and on and on on amendments that were truly in violation of the rule and that were subject to a point of order. We did not raise the point of order. We reserved the point of order so you could continue the debate. We have been very accommodating.

We have now had an offer for an hour's debate on the Waxman amendment. We have already debated that amendment twice this week. We do not need an hour on that amendment. I suggested 30 minutes, and then the response was, well, 46 minutes. That is nitpicking. Thirty minutes is more than enough on a subject that has already been debated twice.

Now, if we can reach an accommodation and if we can reach an agreement that is going to be fair to both sides, then I will agree to it. But if we do not, I will object to it and we will just continue the dialogue for however long it takes. But what is fair is fair. What is fair to that side has got to be fair to my side. And that is the way it is going to be. And if we cannot get a fair agreement, there will be no agreement.

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

Mr. Chairman, I would just say to my good friend the chairman, and I understand the emotion here, all of us want to go home, but I will just tell him, at the end of the Interior bill, if he goes back and looks where those amendments were, they were all on his side of the aisle. Vote after vote after vote, we revoted things.

And so, do not say this is not even-handed. They use their tactics whenever they think it is going to do them an advantage. And the gentleman from Washington knows just how exactly that felt.

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

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I am glad my friend from Florida has gotten things off his chest. We know what the facts are. I am not going to bother to debate them. We are trying to cooperate here and to help the majority do the job that the majority has, which is to try to get bills through the House.

We are trying to work that out. If the gentleman would like to accept the offer that we have raised, we are willing to proceed now. I had assumed, given the fact that the majority leader indicated what he just described, that that is what we had agreed to. I assume that still stands.

Mr. DICKS. Mr. Chairman, reclaiming my time, on these unanimous consent agreements these amendments have been on both sides of the agreement. Republicans have had them and Democrats have had them. I think it has been very fair.

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

Mr. DICKS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I want to thank everybody again. We have worked hard on this. I think we have got a good agreement. I think the Members are ready for us to move forward on it.

The Members should be advised that the gentleman from Kentucky (Chairman ROGERS) has a limited supply of Krispy Kreme doughnuts that would be available during the vote right here at the desk.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL), amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), amendment No. 36 offered by the gentleman from Virginia (Mr. SCOTT), and the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 173, not voting 22, as follows:

[Roll No. 315]

AYES—239

Abercrombie
Ackerman
Allen
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gonzalez
Graham
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hayworth
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Roemer
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherwood
Simpson
Skelton
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu

NOES—173

Aderholt
Andrews
Archer
Armey
Baker
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Collins
Combest
Cramer
Crane
Crowley
Cubin
Davis (FL)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Tauzin
Taylor (MS)
Terry
Thornberry
Thune
Thurman
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wise
Wynn

□ 2320

Messrs. LINDER, PALLONE, ADERHOLT, DIAZ-BALART, GALLEGLY, FOSSELLA and RILEY and Ms. ROS-LEHTINEN changed their vote from ''aye'' to ''no.''

Messrs. GRAHAM, HALL of Texas, BARCIA, PETRI, STRICKLAND, WATTS of Oklahoma, MCCRERY, MORAN of Kansas, GREENWOOD, DICKS, NETHERCUTT, HERGER and BENTSEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

REDUCING NEXT VOTE TO 5 MINUTES

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the Chair be authorized to reduce the next vote to a 5-minute vote.

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

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word in order to discuss this evening's schedule and tomorrow's schedule and to reemphasize to Members a discussion that we had earlier this evening. Perhaps some Members did not hear it and would need to hear it.

There was a unanimous consent agreement that has been discussed that will do the following: the votes that will be cast now will be the final business of the evening, with three more votes to follow. Tomorrow morning the body will reconvene at 9 o'clock to resume business on this bill, in which case the Waxman amendment would be the first order of business. There is a time limit on that amendment of 40 minutes, 20 to a side.

For the remainder of the amendments to the bill, in order for any further amendments to be considered as part of that agreement they must be submitted before the close of business today. Tomorrow, time agreements

will be reached concerning each of the amendments on the list, which is the universe for the bill.

The majority leader also reiterated that we would finish this bill Monday night, and that could be a late night. The agreement is that we would resume business on the bill at 4 o'clock Monday afternoon, with votes rolled at least until 6 p.m. Monday evening to accommodate Members' travel plans. The bill would then be finished Monday night on the amendments that are remaining at that time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I wonder if the gentleman would explain in a little more detail about the potential time limits on amendments for tomorrow and Monday? That seemed to be a little vague there.

Mr. ROGERS. Mr. Chairman, reclaiming my time, the understanding I had of the unanimous consent request was that the majority leader, the chairman and the ranking member of the full committee and the subcommittee, myself and the minority leader would reach agreement on the amount of time that each amendment would be considered. That is as far as the conversation went at the time of the unanimous concept request. That is about all I can say that I know about.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, when does the gentleman plan to propound his unanimous consent request?

Mr. ROGERS. That is being prepared. When the Committee rises this evening, we would propound the unanimous consent request on the amendments, and then tomorrow morning the unanimous consent would be propounded on the time balance on the rest of the amendments.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 284, not voting 22, as follows:

[Roll No. 316]

AYES—128

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Gejdenson
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Rahall
Reyes
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shimkus
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOES—284

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Paul
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Boucher
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

□ 2333

Mrs. MEEK of Florida changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 36 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 226, not voting 24, as follows:

[Roll No. 317]

AYES—184

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Doggett
Dooley
Duncan
Dunn
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Frost
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holt
Hooley
Houghton
Hoyer
Hutchinson
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shays
Sisisky
Skelton
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey

NOES—226

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Doolittle
Doyle
Dreier
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Largent
Larson
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Ney
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wise
Wu
Young (AK)
Young (FL)

NOT VOTING—24

Berman
Cannon
Coburn
Cook
Diaz-Balart
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Lewis (CA)
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

□ 2342

Mr. PALLONE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DEGETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 254, not voting 24, as follows:

[Roll No. 318]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kilpatrick
Kind (WI)
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Sisisky
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu

NOES—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)

Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Berman
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Obey
Rangel
Roybal-Allard
Serrano
Shuster
Slaughter
Thomas
Vento
Wynn

□ 2349

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Chairman, I was unavoidably detained attending my son's high graduation and missed roll call votes 311–318. If I had been here, I would have voted in the following manner:

Rollcall 311: ''Yes'' (rule regarding H.R. 4615, Legislature Branch Appropriations).

Rollcall 312: ''Yes'' (Ryan lockbox amendment).

Rollcall 313: ''Yes'' (final passage, H.R. 4615, Legislature Branch Appropriations).

Rollcall 314: ''Yes'' (rule, H.R. 4690, Commerce-Justice-State Appropriations).

Rollcall 315: ''Yes'' (Campbell resolution cutting salaries and expenses for prison industries).

Rollcall 316: ''No'' (cutting state criminal alien apprehension program).

Rollcall 317: ''No'' (cutting truth in sentencing grants).

Rollcall 318: ''Yes'' (regarding abortions for female prison inmates).

□ 2350

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATIONS ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to House Resolution 529:

(1) no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII on or before June 22, 2000, which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole;

(2) the Clerk be authorized to print in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII all amendments to H.R. 4690 that are at the desk and not already printed by the close of business this legislative day; and

(3) before consideration of any other amendment, it shall be in order to consider the amendment offered by the gentleman from California (Mr. WAXMAN) to section 110, which shall be debatable for only 40 minutes equally divided and controlled by the proponent and an opponent.

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

There was no objection.

PIKETON PLANT TO CLOSE

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

Mr. STRICKLAND. Mr. Speaker, the hour is late, but I think it is important that I share with my colleagues the headline from the Columbus Dispatch today, which says ''Piketon Plant to Close: 2,000 Workers Will Lose Jobs Because of Shutdown.'' And then it says, ''Less than 2 years ago, the United States Enrichment Corporation, which was privatized 2 years ago, vowed to keep the Piketon Plant and a sister facility in Paducah, Kentucky, open until at least 2005.

It is late, but I hope the Vice President is awake and listening tonight. I hope the Secretary of the Treasury is awake and listening tonight. Because it was on their watch that this decision has been made and my workers and my community have been let down.

Mr. Speaker, this Congress has an obligation to protect this industry, which provides 23 percent of the electricity generated within this country.

CITIZENS OF BUFFALO, NEW YORK DO NOT WANT ''FULL MONTE''

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

Mr. QUINN. Mr. Speaker, I rise today on behalf of the good citizens of Buffalo, New York.

As some of my colleagues might be aware, a new theatrical performance entitled the ''Full Monte'' based on the success of the 1997 film is headed to Broadway.

While the film used a small, economically depressed town in England as its setting, the new play changes the backdrop to my hometown of Buffalo, New York.

While I applaud the success and appreciate the artistic endeavor of the playwrights, I am extremely concerned that the use of Buffalo as the setting will tarnish the image of a wonderful city going through a rebuilding process.

I respectfully request that the creative minds of this play reconsider their choice of Buffalo as the new setting. Instead, I suggest that they choose a fictional name for their setting. A fictional city name would prevent them from harming not only the image of Buffalo and its good residents but any locality in America.

In closing, I wish the ''Full Monte'' the greatest success as it moves from San Diego to Broadway but not at the expense of the good name of my hometown of Buffalo, New York.

EXECUTION OF GARY GRAHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight Gary Graham, a constituent of mine, was executed.

My statement this evening is not in any way to diminish the tragedy of the victims that suffer at the hand of perpetrators, but it is to say that I believe Mr. Graham's life should indicate that we have a broken system. We need a National Federal Innocence Commission and a moratorium similar to that called for and enacted by Governor Ryan of Illinois.

The question of innocence is a question that Americans should all ask. And for our system to work, we must, in fact, make sure that the innocent have the chance to prove their innocence and the guilty are punished.

A tragedy happened today, not because Mr. Graham, who was prepared to lose his life, unfortunately; but because we did not stand on the side of justice allowing for a new trial and hearing for Mr. Graham so that we could determine his guilt or innocence.

Let us fix a broken system.

WESTERN SAHARA

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

Mr. PITTS. Mr. Speaker, I rise this evening with concern over our administration's role in trampling the rights of the people of Western Sahara.

For several years, both Morocco and Western Sahara have participated in intense negotiations led by former Secretary of State James Baker. The negotiations ended in both parties agreeing to a referendum for self-determination.

Unfortunately, the recent May 30 meeting of the U.N. revealed that both France and the U.S. administration are now willing to abandon the settlement plan and the right of the Sahrawi people through self-determination.

Our taxpayers, through the U.N., have invested $530 million in peacekeeping to end the conflict in Northwest Africa.

Why is our government supportive of East Timorese and now willing to allow the human rights of Sahrawis to be thoroughly violated?

I include for the RECORD a letter that expresses the dismay of Members of Congress on our administration's action.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 12, 2000.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our great concern over the continued delay in the United Nations holding a free, fair, and transparent referendum for the people of Western Sahara. The continued postponements reflect an apparent lack of willingness of the United Nations and the United States Administration to use their leadership to urge all parties involved to follow through with their commitments to uphold the fundamental human right of self-determination for the people of Western Sahara.

We are pleased that finally, after nine long years and the expenditure of approximately $500 million on peacekeeping efforts, the United Nations was able to establish a public list of eligible voters on January 17, 2000. We know that the identification process was difficult and we congratulate the United Nations for successfully accomplishing this difficult task. We are very concerned, however, about reports in the United Nations that the U.S. Administration and the French Government are contemplating abandoning the negotiated, signed settlement plans under the pretext that there allegedly is no mechanism to enforce the result of the referendum. The May 30, 2000 meeting of the United Nations Security Council revealed that these two governments are willing to completely disregard the negotiated Settlement Plan and the right of the people of Western Sahara to self-determination. Mr. President, the fact that our Administration is willing to disregard the right of the Sahrawi people to self-determination when the American Revolution was based upon that very right is shameful. We have supported the right of the people of East Timor to determine their future. The people of Western Sahara deserve no less.

It is vital that neither the United States nor any other nation or international body pre-judge the results of the referendum—a referendum which both Morocco and the Polisario have agreed to and which the United States taxpayers and others have invested over $530 million. The failure of the United Nations to hold this referendum regarding the Western Sahara would lead to instability and insecurity in North Africa and the blame would fall squarely on the shoulders of the United Nations, the Administration of the United States, and the French Government.

Mr. President, it would be more unfortunate if the United States encouraged or was part of a movement to undermine the fundamental human right of self-determination and carefully negotiated agreements about the Western Sahara. We respectfully urge you to use your leadership position to remind the King of Morocco of his commitments to the Settlement Plan and allowing the referendum over Western Sahara to proceed without further delay.

Thank you for your attention to this serious matter. We look forward to hearing from you.

Sincerely,

Joseph R. Pitts; Donald M. Payne; Wayne T. Gilchrest; David M. McIntosh; William J. Jefferson; Charles T. Canady; Jim DeMint; James A. Traficant, Jr.; Eni F.H. Faleomavaega; Bob Clement; Steve Largent; Sanford D. Bishop, Jr.; Christopher H. Smith; Anna G. Eshoo; Tony P. Hall; Gene Green; Tom Tancredo; Richard H. Baker; Alcee L. Hastings; Ron Packard; Luis V. Gutierrez; Robert A. Borski.

CONGRATULATING HON. PATRICK TOOMEY ON BIRTH OF DAUGHTER

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

Mr. DEMINT. Mr. Speaker, on behalf of the Republican freshmen class, I would like to express our most sincere congratulations to a Congressman who now enjoys a new and prestigious title, ''Dad.''

On June 12, at 2:55 a.m., our friend and colleague, the gentleman from Pennsylvania (Mr. TOOMEY), delightfully spoke three life-changing words, ''It's a girl.''

Full of energy, Bridget Kathleen Toomey entered the world with a healthy weight of 9 pounds, 7 ounces. With great pleasure, we now call the gentleman from Pennsylvania a father, but also warn him that when Bridget reaches her teenage years, it may be more difficult to hold the line on spending at home than it is in Congress.

Congratulations to both the gentleman from Pennsylvania (Mr. TOOMEY) and his wonderful wife, Kris, in this time of joy. May God bless their new family.

EMPTY PROMISES FOR SECURITY 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. Mr. Speaker, here we go again.

It seems that the more we learn about the security and disasters at the Los Alamos Nuclear Laboratory, the worse it gets.

The FBI now believes that the hard drives disappeared on March 28, more than a month before they were reported missing. Furthermore, the two nuclear emergency safety team members who discovered a security breach failed to tell their superiors that the hard drives were even missing and, knowing of the gravity of the situation, simply launched their own personal search.

Mr. Speaker, it seems clear that the pledges of increased security made a year ago by the Department of Energy Secretary were only empty promises.

So why should the American people believe Secretary Richardson now when he asserts that there is no evidence of espionage? I suggest, conversely, that there is also no evidence that there was not espionage involved.

□ 0000

A change needs to occur and it needs to occur before all our national secrets are stolen, compromised or paraded out the door of our nuclear laboratories.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–259)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material. The United States and the Russian Federation have entered into a series of agreements that provide for the conversion of highly enriched uranium (HEU) extracted from Russian nuclear weapons into low enriched uranium (LEU) for use in commercial nuclear reactors. The Russian Federation recently suspended its performance under these agreements because of concerns that payments due to it under these agreements may be subject to attachment, garnishment, or other judicial process, in the United States. Accordingly, I have issued an Executive Order to address the unusual and extraordinary risk of nuclear proliferation created by this situation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The United States and the Russian Federation entered into an international agreement in February 1993 to deal with these issues as they relate to the disposition of HEU extracted from Russian nuclear weapons (the ''HEU Agreement''). Under the HEU Agreement, 500 metric tons of HEU will be converted to LEU over a 20-year period. This is the equivalent of 20,000 nuclear warheads.

Additional agreements were put in place to effectuate the HEU Agreement, including agreements and contracts on transparency, on the appointment of executive agents to assist in implementing the agreements, and on the disposition of LEU delivered to the United States (collectively, the ''HEU Agreements''). Under the HEU Agreements, the Russian Federation extracts HEU metal from nuclear weapons. That HEU is oxidized and blended down to LEU in the Russian Federation. The resulting LEU is shipped to the United States for fabrication into fuel for commercial reactors. The United States monitors this conversion process through the Department of Energy's Warhead and Fissile Material Transparency Program.

The HEU Agreements provide for the Russian Federation to receive money and uranium hexafluoride in payment for each shipment of LEU converted from the Russian nuclear weapons. The money and uranium hexaflouride are transferred to the Russian Federation executive agent in the United States.

The Russian Federation recently suspended its performance under the HEU Agreements because of concerns over possible attachment, garnishment, or other judicial process with respect to the payments due to it as a result of litigation currently pending against the Russian Federation. In response to this concern, the Minister of Atomic Energy of the Russian Federation, Minister Adamov, notified Secretary Richardson on May 5, 2000, of the decision of the Russian Federation to halt shipment of LEU pending resolution of this problem. This suspension presents an unusual and extraordinary threat to U.S. national security goals due to the risk of nuclear proliferation caused by the accumulation of weapons-usable fissile material in the Russian Federation.

The executive branch and the Congress have previously recognized and continue to recognize the threat posed to the United States national security from the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the Russian Federation. This threat is the basis for significant programs aimed at Cooperative Threat Reduction and at controlling excess fissile material. The HEU Agreements are essential tools to accomplish these overall national security goals. Congress demonstrated support for these agreements when it authorized the purchase of Russian uranium in 1998, Public Law 105–277, and also enacted legislation to enable Russian uranium to be sold in this country pursuant to the USEC Privatization Act, 42 U.S.C. 229h–10.

Payments made to the Russian Federation pursuant to the HEU Agreements are integral to the operation of this key national security program. Uncertainty surrounding litigation involving these payments could lead to a long-term suspension of the HEU Agreements, which creates the risk of nuclear proliferation. This is an unacceptable threat to the national security and foreign policy of the United States.

Accordingly, I have concluded that all property and interests in property of the government of the Russian Federation directly related to the implementation of the HEU Agreements should be protected from the threat of attachment, garnishment, or other judicial process. I have, therefore, exercised my authority and issued an Executive Order that provides:

—except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements that are in the United States, that hereafter come within the United States, or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

—unless licensed or authorized pursuant to the order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to the order; and

—that all heads of departments and agencies of the United States Government shall continue to take all appropriate measure within their authority to further the full implementation of the HEU Agreements.

The effect of this Executive Order is limited to property that is directly related to the implementation of the HEU Agreements. Such property will be clearly defined by the regulations, orders, directives, or licenses that will be issued pursuant to this Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000*.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–260)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that

was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 21, 2000*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today after 7:30 p.m. on account of family matters.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today through June 26 on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of illness.

Mr. HYDE (at the request of Mr. ARMEY) for today until 8:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SWEENEY) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, June 23.

Mr. WOLF, for 5 minutes, June 23.

Mr. PETERSON of Pennsylvania, for 5 minutes, June 23.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1967. An act 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.

ADJOURNMENT

Mr. SWEENEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.), the House adjourned until today, Friday, June 23, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8299. A letter from the Administrator, FSA, Department of Agriculture, transmitting the Department's final rule—Farm Storage Facility Loan Program (RIN: 0560–AG00) received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8300. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Onions Grown in South Texas; Change in Container Requirements [Docket No. FV00–959–2 FIR] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8301. A letter from the Associate Administrator, Fruit & Vegetable Programs, PACA Branch, Department of Agriculture, transmitting the Department's final rule—Amendments to Rules of Practice Under the Perishable Agricultural Commodities Act (PACA); Correction [Docket No. FV00–363] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8302. A letter from the Associate Administrator, Agriculture Marketing Service, Fruit and Vegetable, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Undersized Regulation for the 2000–2001 Crop Year [Docket No. FV00–993–2 FR] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8303. A letter from the Army Federal Register Liaison Officer, Department of the Army, transmitting the Department's final rule—Army Board for Correction of Military Records [AR 15–185] received May 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8304. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Family and Medical Leave (RIN: 3206–AI35) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8305. A letter from the Chairman and President, The John F. KENNEDY Center for the Performing Arts, transmitting the 1999 Annual Report of operations, pursuant to Public Law 85—874, section 6(d) (78 Stat. 4); to the Committee on Education and the Workforce.

8306. A letter from the Director, Regulations and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Authority Citations—received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Removal of Maximum Containment Level Goal for Chloroform from the National Primary Drinking Water Regulations [FRL–6705–4] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8308. 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; Ohio Designation of Areas for Air Quality Planning Purposes; Ohio [OH 103–1b; FRL–6701–8] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators; Correction [PA152–4099a; FRL–6705–7] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8310. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion [SW-FRL–6606–5] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8311. A letter from the Associate Division Chief, Accounting POlicy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers [CC Docket No. 94–129] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8312. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Accessibility of Emergency Programming [MM Docket No. 95–176] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 037–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8314. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services (Transmittal No. 00–35); to the Committee on International Relations.

8315. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in Kosovo; (H. Doc. No. 106—258); to the Committee on International Relations and ordered to be printed.

8316. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received May 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8317. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Adoption of Revisions to OMB Circular A–110; Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations [Docket No. FR–4573–I–01] (RIN: 2501–AC68) received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8318. A letter from the Chairman, Federal Election Commission, transmitting the 1999 Annual Report; to the Committee on House Administration.

8319. A letter from the Deputy Administrator, General Services Administration, transmitting Reports of the Building Project Survey; to the Committee on Transportation and Infrastructure.

8320. A letter from the Deputy Administrator, General Services Administration, transmitting the Report of Building Project Survey for the San Francisco Bay Area, CA; to the Committee on Transportation and Infrastructure.

8321. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of various lease prospectuses for the National Park Service, San Francisco or Oakland, CA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

8322. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Elimination of Elements as a Category in Evaluations—received May 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1959. A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''; with amendments (Rept. 106–688). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4608. A bill to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse'' (Rept. 106–689). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3323. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building'' (Rept. 106–690). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on the Judiciary, Education and the Workforce, and Ways and Means discharged. H.R. 2909 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GILMAN: Committee on International Relations. H.R. 2909. A bill to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 22, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X. (Rept. 106–691, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2909. Referral to the Committees on the Judiciary, and Education and the Workforce extended for a period ending not later than June 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. CASTLE, Mr. MCINNIS, Mr. COX, Mr. RAMSTAD, Mr. SMITH of Michigan, Mr. SHAW, Mr. OSE, Mr. FRELINGHUYSEN, and Mr. WALDEN of Oregon):

H.R. 4717. A bill to amend the Internal Revenue Code of 1986 to require 527 organizations and certain other tax-exempt organizations to disclose their political activities; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself and Mr. GEKAS):

H.R. 4718. A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Ms. DUNN:

H.R. 4719. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4720. A bill to provide veterans benefits to individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 4721. A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; to the Committee on Resources.

By Mr. SAXTON (for himself and Mr. HOSTETTLER):

H.R. 4722. A bill to impose a temporary moratorium on the privatization and outsourcing of Department of Defense functions that are currently being performed by Department of Defense civilian employees; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 4723. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 4724. A bill to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; to the Committee on Resources.

By Mr. SKEEN:

H.R. 4725. A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 4726. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. HILLEARY, Mr. WEYGAND, and Mr. PETERSON of Pennsylvania):

H.R. 4727. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, Mr. NEAL of Massachusetts, Mr. BALLENGER, Mr. BURR of North Carolina, Mrs. EMERSON, Mr. FLETCHER, Mr. MCINTYRE, Mr. NUSSLE, Mr. POMEROY, Mr. SHERWOOD, Mr. THUNE, and Mrs. JONES of Ohio):

H.R. 4728. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. BURTON of Indiana, and Mr. HALL of Ohio):

H. Con. Res. 361. Concurrent resolution commending the Republic of Benin; to the Committee on International Relations.

By Mr. NADLER (for himself, Mrs. LOWEY, Mr. ROHRABACHER, Mr. CAMPBELL, Ms. DELAURO, Mr. GUTIERREZ, Mr. ENGEL, Mr. SANDLIN, Mr. FROST, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. WAXMAN, Mr. LANTOS, Mr. SANDERS, Mrs. TAUSCHER, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. DOYLE, Ms. RIVERS, Mr. CARDIN, Mr. WEXLER, Ms. CARSON, Mr. MCGOVERN, Mr. UNDERWOOD, Mr. OBERSTAR, Mr. WYNN, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. MCNULTY, Mr. DOGGETT, Mr. BERMAN, Mr. ABERCROMBIE, Ms. BALDWIN, and Mr. TIERNEY):

H. Con. Res. 362. Concurrent resolution expressing the sense of the Congress regarding so-called ''honor killings''; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. CARSON.

H.R. 116: Mr. GALLEGLY and Mr. KANJORSKI.

H.R. 303: Mr. WICKER, Mrs. TAUSCHER, and Mr. PASTOR.

H.R. 632: Ms. LOFGREN and Mr. GREENWOOD.

H.R. 783: Mr. HILL of Montana.

H.R. 958: Ms. LOFGREN.

H.R. 1020: Ms. ROYBAL-ALLARD, Mrs. MALONEY of New York, and Ms. WATERS.

H.R. 1217: Ms. RIVERS.
H.R. 1560: Mr. BAKER.
H.R. 1590: Mr. ETHERIDGE.
H.R. 1592: Mr. ARMEY and Mr. BARTON of Texas.
H.R. 1885: Mr. SHIMKUS.
H.R. 2121: Mr. RUSH, Mr. BLAGOJEVICH, and Ms. WOOLSEY.
H.R. 2270: Mr. SAM JOHNSON of Texas.
H.R. 2321: Mr. REYES.
H.R. 2512: Mrs. TAUSCHER.
H.R. 2594: Mrs. TAUSCHER.
H.R. 2631: Mr. MINGE and Mr. NORWOOD.
H.R. 2722: Mr. PALLONE.
H.R. 2790: Mr. BALDACCI.
H.R. 3027: Mr. DOOLITTLE and Mr. MCINTOSH.
H.R. 3032: Mr. DAVIS of Illinois and Mr. PAYNE.
H.R. 3034: Mr. FOSSELLA.
H.R. 3100: Mr. EVANS.
H.R. 3109: Mr. MCNULTY.
H.R. 3118: Mr. WALSH.
H.R. 3142: Mr. EVANS.
H.R. 3170: Mr. PAUL.
H.R. 3235: Mr. GALLEGLY.
H.R. 3561: Mr. CANNON.
H.R. 3610: Ms. DANNER and Mr. FROST.
H.R. 3676: Mr. CALVERT, Mr. LEWIS of California, Mr. SKELTON, Mr. FARR of California, Mr. SWEENEY, Mr. CHAMBLISS, Mr. TAYLOR of Mississippi, Mr. BLAGOJEVICH, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. CONDIT, Mr. REYES, Mr. GRAHAM, Mr. DOOLITTLE, Mr. ROHRABACHER, and Mr. CAMPBELL.
H.R. 3840: Mr. CAPUANO and Mr. ROMERO-BARCELÓ.
H.R. 3875: Mr. PORTMAN.
H.R. 3983: Mr. HOLT.
H.R. 4006: Mr. TIAHRT.
H.R. 4033: Ms. HOOLEY of Oregon, Mr. LARGENT, Mr. KUYKENDALL, Ms. NORTON, Mr. CALVERT, and Ms. DUNN.
H.R. 4046: Mr. COOK and Mrs. MORELLA.
H.R. 4106: Mr. MCGOVERN.
H.R. 4108: Ms. SANCHEZ.
H.R. 4136: Mr. UDALL of Colorado.
H.R. 4157: Mr. GARY MILLER of California.
H.R. 4162: Mr. THOMPSON of Mississippi and Ms. PELOSI.
H.R. 4218: Mr. CALVERT.
H.R. 4237: Ms. SCHAKOWSKY, Mr. WEXLER, and Mr. SOUDER.
H.R. 4239: Mr. DAVIS of Illinois and Mr. Towns.
H.R. 4257: Mr. GOODLATTE and Mr. BAKER.
H.R. 4271: Mr. SHAYS and Mr. CAMP.
H.R. 4272: Mr. SHAYS and Mr. CAMP.
H.R. 4273: Mr. SHAYS and Mr. CAMP.
H.R. 4301: Mr. CALVERT and Ms. SLAUGHTER.
H.R. 4320: Mr. PALLONE.
H.R. 4330: Mr. FRANKS of New Jersey.
H.R. 4346: Mrs. LOWEY.
H.R. 4357: Mr. FALEOMAVAEGA.
H.R. 4368: Mr. MCNULTY, Ms. LOFGREN, Mr. RANGEL, and Mr. PAYNE.
H.R. 4390: Mr. LANTOS, Mr. FILNER, and Ms. MCCARTHY of Missouri.
H.R. 4395: Mr. PETERSON of Minnesota.
H.R. 4419: Mr. GREEN of Wisconsin.
H.R. 4453: Mr. FRANK of Massachusetts.
H.R. 4483: Mr. PAYNE, Ms. MCKINNEY, and Mr. BACA.
H.R. 4492: Mr. DUNCAN, Mr. GILLMOR, Mr. VISCLOSKY, Mrs. MORELLA, Mr. LAMPSON, Mr. BLAGOJEVICH, Mr. COYNE, Mr. GEKAS, Mr. LEACH, Mr. LINDER, Mr. UDALL of New Mexico, Mr. BOEHLERT, Mr. MCNULTY, Mr. TURNER, Mr. STEARNS, Mrs. NORTHUP, Mrs. MEEK of Florida, Mrs. MCCARTHY of New York, and Mr. WICKER.
H.R. 4535: Ms. PELOSI.
H.R. 4539: Mr. PAYNE and Mr. OWENS.
H.R. 4548: Mr. WALDEN of Oregon and Mr. SESSIONS.
H.R. 4567: Ms. MILLENDER-MCDONALD.
H.R. 4606: Mr. HOLT, Mr. FROST, Mr. ENGEL, Mr. MOAKLEY, Mrs. MORELLA, Mr. PAYNE, Mr. MCGOVERN, Mr. RANGEL, Mr. DOYLE, and Mr. EVANS.
H.R. 4607: Mr. NEAL of Massachusetts and Mr. MOORE.
H.R. 4614: Mr. THOMPSON of California.
H.R. 4639: Mr. CUNNINGHAM, Mr. ROHRABACHER, and Mr. MCINTYRE.
H.R. 4643: Mr. HUNTER, Mr. BURTON of Indiana, Mr. CALVERT, and Mr. GRAHAM.
H.R. 4659: Mr. UDALL of Colorado.
H.R. 4677: Mr. THORNBERRY, Mr. HILLEARY, Mr. PAUL, Mr. EVANS, Mr. MCINNIS, Mr. LEWIS of Kentucky, and Mrs. EMERSON.
H.R. 4714: Mr. ANDREWS.
H.J. Res. 60: Mr. LATHAM.
H. Con. Res. 242: Mr. ACKERMAN, Mr. COSTELLO, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. LANTOS, Mr. MENENDEZ, Mr. MORAN of Virginia, Ms. NORTON.
H. Con. Res. 271: Mr. BONIOR.
H. Con. Res. 297: Mr. HINCHEY and Mr. PORTER.
H. Con. Res. 308: Mr. GUTIERREZ.
H. Con. Res. 334: Mr. WU, Mr. ROHRABACHER, and Mr. EHRLICH.
H. Con. Res. 335: Mr. ROHRABACHER, Mr. WU, and Mr. EHRLICH.
H. Con. Res. 357: Mr. ABERCROMBIE.
H. Res. 388: Mr. COLLINS, Mr. MARTINEZ, Mr. SOUDER, and Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4655: Mr. FOLEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 34: Page 85, after line 15, insert the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the total amount provided under the heading ''AGRICULTURAL RESEARCH SERVICE'' (to be derived from amounts for cotton research) and by increasing the total amount provided under the heading ''EXTENSION SERVICE'' (to be available for a consumer education program regarding the dangers of flammable children's cotton sleepware), by $5,000,000.

H.R. 4690

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 44: Page 105, line 18, before ''destruction'', insert the following: ''immediate''.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 45: Page 71, line 1, after the dollar amount, insert the following: ''(reduced by $200,000)''.

Page 79, line 16, after the dollar amount, insert the following: ''(increased by $200,000)''.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 46: Page 71, line 1, after ''$2,689,825,000'' insert ''(decreased by $2,500,000)''

Page 79, line 16, after ''$19,470,000'' insert ''(increased by $2,500,000)''.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 47: Page 78, line 2, after ''$498,100,000'' insert ''(decreased by $2,500,000)''.

Page 79, line 16, after ''$19,470,000'' insert ''(increased by $2,500,000)''.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 48: Page 78, line 2, after the dollar amount, insert the following: ''(reduced by $500,000)''.

Page 79, line 19, after the dollar amount, insert the following: ''(increased by $500,000)''.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 49: Page 79, after line 16, insert the following:

In addition, for the conducting of satellite imagery monitoring for the purpose of tracking plumes of sewage contaminants in the south San Diego Bay-Mexico border region, to be derived by transfer from the amount provided in this title for ''Diplomatic and Consular Programs'', $200,000.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 50: Page 79, after line 22, insert the following:

In addition, for a feasibility study for the construction of a sewage diversionary structure in the flood control channel of the Tijuana River as it enters the United States, to be derived by transfer from the amount provided in this title for ''Diplomatic and Consular Programs'', $500,000.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 51: Page 79, after line 22, insert the following:

In addition, for a feasibility study for the construction of a sewage diversionary structure in the flood control channel of the Tijuana River as it enters the United States, to be derived by transfer from the amount provided in this title for ''Contributions for International Peacekeeping Activities'', $500,000.

H.R. 4690

OFFERED BY: MR. BLUNT

AMENDMENT NO. 52: At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the United States-European Union Consultative Group on Biotechnology, unless the United States Trade Representative certifies that the European Union has a timely, transparent, science-based regulatory process for the approval of agricultural biotechnology products.

H.R. 4690

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 53: At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to seek the revocation or revision of the laws or regulations of another country that relate to intellectual

property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

H.R. 4690

OFFERED BY: MR. CHAMBLISS

AMENDMENT NO. 54: Page 92, insert after line 14 the following:

If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

H.R. 4690

OFFERED BY: MR. COBLE

AMENDMENT NO. 55: Page 44, line 21, insert after the dollar amount the following: ''(reduced by $10,000,000)''.

Page 45, line 24, insert after the dollar amount the following: ''(reduced by $40,000,000)''.

Page 48, line 23, insert after the dollar amount the following: ''(increased by $133,808,000)''.

Page 73, line 19, insert after the dollar amount the following: ''(reduced by $98,808,000)''.

H.R. 4690

OFFERED BY: MR. COBLE

AMENDMENT NO. 56: Page 44, line 21, insert after the dollar amount the following: ''(reduced by $10,000,000)''.

Page 45, line 24, insert after the dollar amount the following: ''(reduced by $40,000,000)''.

Page 48, line 23, insert after the dollar amount the following: ''(increased by $133,808,000)''.

Page 48, line 24, insert after the dollar amount the following: ''(increased by $133,808,000)''.

Page 73, line 19, insert after the dollar amount the following: ''(reduced by $98,808,000)''.

H.R. 4690

OFFERED BY: MR. COBLE

AMENDMENT NO. 57: Page 49, line 12, insert after the dollar amount the following: ''(increased by $133,808,000)''.

H.R. 4690

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 58: Page 4, after line 14, insert the following:

SITE SECURITY REPORTING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Attorney General in carrying out section 112(r)(7)(H)(xi) of the Clean Air Act (as added by section 3(a) of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106–40)), to be derived by transfer from the amount made available in this title for ''Counterterrorism Fund'', $750,000.

H.R. 4690

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 59: In title I, in the item relating to ''GENERAL PROVISIONS—DEPARTMENT OF JUSTICE'', strike section 103.

H.R. 4690

OFFERED BY: MR. DIXON

AMENDMENT NO. 60: In title IV, in the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $240,566,000)''.

H.R. 4690

OFFERED BY: MR. ENGLISH

AMENDMENT NO. 61: Page 39, line 21, after the dollar figure, insert ''(increased by $3,000,000)''.

Page 55, line 11, after the dollar figure, insert ''(decreased by $3,000,000)''.

H.R. 4690

OFFERED BY: MR. JACKSON OF ILLINOIS

AMENDMENT NO. 62: In title IV, in the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $240,566,000)''.

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 63: Page 7, line 26, insert ''(increased by $3,000,000)'' after the dollar amount.

Page 51, line 3, insert ''(reduced by $3,000,000)'' after the dollar amount.

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 64: Page 7, line 26, insert ''(increased by $11,800,000)'' after the dollar amount.

Page 51, line 3, insert ''(reduced by $11,800,000)'' after the dollar amount.

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 65: Page 19, line 2, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

Page 22, line 16, after the dollar amount, insert the following: ''(reduced by $24,000,000)''.

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 66: Page 79, line 2, insert before the period the following: '': *Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa''.

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 67: Page 79, line 16, insert after the dollar amount the following: ''(decreased by $2,100,000)''.

Page 87, line 11, insert after the first dollar amount the following: ''(increased by $2,100,000)''.

H.R. 4690

OFFERED BY: MR. KNOLLENBERG

AMENDMENT NO. 68: At the end of Section 623 insert the following: '': *Provided further*, That any limitation imposed under this Act on funds made available by this Act shall not apply to any activities related to the Kyoto Protocol which are otherwise authorized by law.''

H.R. 4690

OFFERED BY: MRS. MALONEY OF NEW YORK

Page 40, line 7, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

AMENDMENT NO. 69: Page 45, lines 8 and 9, after each dollar amount, insert the following: ''(increased by $5,000,000)''.

H.R. 4690

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 70: Page 51, line 3, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 16, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 17, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 21, after the dollar amount insert ''(increased by $1,200,000)''.

Page 53, line 12, after the dollar amount insert ''(reduced by $1,200,000)''.

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 71: Page 77, strike the proviso beginning on line 9.

H.R. 4690

OFFERED BY: MR. OLVER

AMENDMENT NO. 72: On page 107, line 12, after the word ''Protocol'', insert: '': *Provided further*, That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.''

H.R. 4690

OFFERED BY: MR. SERRANO

AMENDMENT NO. 73: In title IV, in the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $240,566,000)''.

H.R. 4690

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 74: Page 44, line 21, after the dollar amount insert the following: ''(increased by $4,350,000)''.

Page 73, line 19, after the dollar amount insert the following: ''(reduced by $8,700,000)''.

H.R. 4690

OFFERED BY: MR. SOUDER

AMENDMENT NO. 75: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be made available for payment of expenses of any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision under the United Nations Convention Against Transnational Organized Crime that legalizes, legitimizes, or decriminalizes prostitution in any form or under any circumstance, or otherwise limits international efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution.

H.R. 4690

OFFERED BY: MR. VITTER

AMENDMENT NO. 76: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26,

1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

H.R. 4690

OFFERED BY: MR. VITTER

AMENDMENT NO. 77: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

H.R. 4690

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 78: Page 107, insert after line 12 the following:

SEC. 624. No funds made available under this Act to the Legal Services Corporation may be used for grants for programs providing legal assistance to H2–A workers in their civil actions against their (current or former) employers unless the action is brought in the State in which the employer resides or has its principal place of business. For purposes of this section, H2–A workers are workers identified under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.

EXTENSIONS OF REMARKS

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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.

Ms. PELOSI. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from California, Mr. FILNER. I commend my colleague for his tenacious efforts to restore benefits for Filipino veterans and for his steadfast support.

The sacrifices of all veterans during World War II deserve our recognition and respect, and this amendment addresses a group of veterans who fought alongside American soldiers in the Philippines. For almost four years, in the fight to retake the Philippine Islands from Japan, 100,000 Filipino soldiers fought alongside our armed forces. Despite the integral role Filipino soldiers played in the Allied Victory in the Pacific Theater, they were denied benefits under the 79th Congress Rescissions Act of 1946.

Mr. FILNER's amendment would attempt to address this egregious mistake by providing the necessary and deserved reparations to demonstrate the depth of our gratitude and respect for the service of these men in war. The age of the veterans and our country's late acknowledgment of their dedicated service make it imperative that these trusted veterans receive the requested emergency funding.

I support this amendment to add $35 million to the VA–HUD Appropriations bill, H.R. 4635, so that Filipino Veterans have unrestricted access to Veterans facilities in both the Philippines and the United States, and increase the exchange rate for service-connected disability compensation. It is time we honored these servicemen and provided the benefits and compensation they deserve.

Thank you, Mr. FILNER, for your work on behalf of Filipino veterans. I urge my colleagues to support the Filner amendment.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of my distinguished colleague's amendment. Mr. FILNER has shown a great sense of justice by offering this amendment which provides funds for health benefits for Filipino World War II veterans. It also increases service-connected disability benefits to those vets who are living in the United States. Both these provisions will greatly improve the lives of many Filipino veterans who loyally fought with the United States in World War II.

The early months of World War II were a dark time for the United States. Our armed forces were on the defensive everywhere—nowhere more so than in the Philippines. Food, medical supplies and ammunition ran short. With sea and air links severed, there was no hope of resupply, reinforcement or escape.

In that desperate hour, approximately 200,000 Filipino soldiers under the command of General Douglas MacArthur displayed exemplary loyalty and courage in the defense of the Philippines. They fought in every major battle, including the final defense of Bataan and Corregidor. They suffered every privation. They endured every danger. They shed their blood as readily as their American comrades in arms.

Those sacrifices continued even after U.S. forces were driven from the Philippines in 1942. Thousands of courageous Filipinos took up arms as guerillas and fought enormous odds. Their bravery earned the admiration of freedom loving people throughout the world. They provided valuable intelligence to General MacArthur's forces in the Southwest Pacific, rescued downed American airmen, and diverted powerful enemy forces from deployment elsewhere. Through three long, terrible years these Filipino guerilla soldiers kept faith with America.

Now it is time for America to keep faith with Filipino veterans. Despite their equal service, our Filipino veterans do not enjoy equal benefits with the American troops with whom they fought side by side. An estimated 60,000 to 80,000 surviving Filipino veterans are barred from the full range and extent of veterans benefits available to Americans who served against the same enemy, in the same battles, at the same time. This violates the fundamental concept of fairness, especially for those who put their lives on the line for our country.

Because America stands for justice for all, we cannot turn our backs on these veterans who have been denied their due for so long. We owe equal treatment to all who fought under our flag. America is a great nation, and we must act now to right a great wrong. We can do so by extending recognition for incomparable bravery and loyalty. It is time to offer justice to veterans in need and redeem a debt that has gone unpaid for far too long. I strongly urge my colleagues to vote for this amendment.

TRIBUTE TO KEVIN SULLIVAN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Mr. Kevin Sullivan, of Chino, California, has made to his community

Mr. Sullivan was born in Sydney, New South Wales, Australia. His career has been exciting and impressive taking him from a mercantile broker's office and major export company in his native Australia to the Australian Consulate-General's office in New York to numerous European cities as a member of Jack Kramer's world professional tennis tour.

In 1961, Mr. Sullivan came to Southern California when he was appointed General Manager of Jack Kramer's Los Serranos Country Club. Under Mr. Sullivan's leadership, the South Course was initiated and built and a new clubhouse was constructed. Although Mr. Sullivan stepped down from his managerial duties in 1997, he continues to serve as Secretary of the Corporation, Director and Vice President of Special Projects, and as a Trustee of the Profit Sharing Plan.

An active member of the Chino Valley Chamber of Commerce, Mr. Sullivan has held the prestigious positions of Director and Second Vice President, President-Elect, and President.

The Chamber's accomplishments under Mr. Sullivan's tenure as President have been numerous and impressive: the Chamber moved its offices to the historic Grey Building, the website has been redesigned and now includes an on-line membership directory, and the Chamber has awarded over $6,000 in student scholarships and classroom mini-grants

for teachers. As a result of Mr. Sullivan's forward-thinking and leadership, Chamber membership has grown to over 600 members and attendance records at Chamber events are being broken.

In addition to his duties as President of the Chamber, Mr. Sullivan is a member of Chino Rotary where he has 37 years of perfect attendance. He also supports City of Hope, Boy's Republic, and the YMCA. Mr. Sullivan's commitment to community service has earned the recognition of his Rotary Club and the City of Councils of Chino and Chino Hills.

Mr. Sullivan has exemplified his theme for the year, "Friendship + Teamwork = Success," and he is deserving of the accolades of this Congress.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. MARKEY. Mr. Speaker, as the Ranking Member of the Commerce Committee's Subcommittee on Telecommunications, Trade and Consumer Protection, and as one of the two Democrats appointed to serve on the conference committee to resolve differences between S. 761, the Electronic Signatures in Global and National Commerce Act, and the House amendments to the bill, I wish to indicate that I concur with the extension of remarks today submitted to the RECORD by the Gentleman from Michigan (Mr. DINGELL) with respect to this legislation.

I have had an opportunity to review the gentleman from Michigan's extension of remarks concerning certain insertions previously placed into the RECORD by other conferees. I agree with the Gentleman from Michigan's responses to these remarks.

There was no joint explanatory statement prepared in connection with the conference report on S. 761, and the Gentleman from Michigan quite properly notes, certain statements made in the extensions of remarks previously submitted by the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. ABRAHAM) do not accurately reflect the intent or understanding of the conferees. Moreover, some of these statements are simply not correct or conflict with the plain language of the statute.

In addition to the matters discussed in the Gentleman from Michigan's statement, I would also like to mention an additional matter which I believe merits clarification.

I note that Senator ABRAHAM states that the "reference in section 101(a) of the conference agreement to 'any transaction in or affecting interstate commerce' is intended to include electronic records, signatures and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures and agreements used in financial planning, income tax preparation and investments." The scope of section 101 is actually narrower; it is limited to "transactions" involving "consumers". For example, the conferees defines transactions to include "an action or set of actions relating to the conduct of business, consumer, or commercial affairs" and consciously rejected including governmental affairs as a whole. The bill does not purport to affect all records, signatures and agreements governed in general by the federal securities laws or "used in financial planning, income tax preparation and investments".

TRIBUTE TO TEXAS TRANSPORTATION INSTITUTE AT TEXAS A&M UNIVERSITY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. BRADY of Texas. Mr. Speaker, I rise today to recognize the accomplishments and contributions of the Texas Transportation Institute at Texas A&M University to improved safety on our nations highways. This year marks a historic occasion for the institute as they celebrate their 50th year. Since its inception, the Texas Transportation Institute has conducted applied research in all modes of transportation and transferred the results to the public and private sectors, enhancing transportation safety, efficiency and sustainability, and I would like to take this opportunity to congratulate Dr. Herbert H. Richardson and the Texas Transportation Institute (TTI).

Looking back on the history of the Institute gives us an interesting perspective on how far we've come in terms of transportation and technological advances. I was interested to note that some of the earliest safety research performed by TTI was to develop safer roadside structures, including breakaway supports and impact attenuation systems. As you are aware, one of the first real-world tests of a breakaway sign occurred in September 1965 when a driver lost control of his vehicle and skidded into an "EXIT" sign on IH–10 near Beaumont. Less than 24 hours before the accident, the local THD maintenance force had placed the TTI-designed slip base and hinge sign support in place of the old fixed one. In this accident, the driver and passenger escaped uninjured, and the vehicle sustained only minor damage. Less than a year earlier, a driver hit the same sign, then mounted on a standard base, and was killed. Today, highway safety is still an issue of major concern and I am pleased that TTI has continued to develop technological advances, such as the ADIEM crach cushion, to make our nation's roads and highways safer. Many Americans owe their lives to the development of this technology, which is now in use in nearly 40 states. You and the Institute can certainly be proud of the work.

In the 1950's, Dean of the College of Engineering, Fred Benson was quoted in the Daily Eagle as saying "The Institute intends to assemble a group of men at this college with a thorough knowledge of all types of transportation. These men . . . will provide a forum for analyzing and discussing problems [and] will outline and guide our research program and provide high level education to mature students with an interest in transportation." Given the fact that TTI employs about 570 people, is home to four National Research Clearinghouses and eight National Research Centers, and has urban laboratories in every major metropolitan area in the state, I am certain that Dr. Benson would indeed be very proud of the men and women of TTI and their many accomplishments. I extend to them my heartfelt congratulations and best wished for the next 50 years.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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.

Ms. PELOSI. Mr. Chairman, I strongly support the Nadler/Shays/Crowley/Horn amendment to increase HOPWA funding by $18 million in the FY 2001 VA/HUD appropriations bill. This additional funding will increase the ability of the HOPWA program to meet current needs while bringing additional newly eligible communities into this effective program.

The need for housing assistance among those living with HIV/AIDS is greater now than ever. As new treatments and greater access to HIV/AIDS care through the Ryan White CARE Act allow infected individuals to live longer, new HIV infections are continuing at a steady rate. This means that the overall number of people living with HIV/AIDS has grown to its highest level ever. In addition, the new treatments that are extending so many lives involve a complicated regimen of medications, requiring certain medications to be taken at certain times, certain medications to be taken after eating, and still others on an empty stomach. This makes adherence very difficult, and nearly impossible without stable housing.

As the number of people living with HIV/AIDS increases, so do the number of cities and states qualifying for HOPWA formula grants. At the same time, the rising costs of housing across the country, particularly in urban areas where a large proportion of people living with HIV/AIDS live, make it difficult for HOPWA to maintain current services without funding increases. Despite this increased need HOPWA funding has remained relatively flat over the past 5 years. Increases in the number of eligible jurisdictions means that flat funding is in reality a funding cut for all HOPWA jurisdictions.

More than 200,000 people with HIV/AIDS are currently in need of houing assistance, and 60 percent of those living with this disease will need housing assistance at some point during their illness.

HIV prevalence with the homeless population is estimated to be 10 times greater than infection rates in the general population. In addition, homeless individuals are much less likely to have regular access to health care than the general population and are therefore less likely to be tested for HIV than are people with stable housing. One San Francisco study showed that up to 33 percent of homeless individuals who were living with HIV were unaware of being HIV positive.

HIV/AIDS community policy experts have estimated that unless HOPWA funding is substantially increased, jurisdictions will face decreased service levels and could suffer decreased funding. To avoid these reductions, we must pass this amendment and provide HOPWA with additional funding to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care.

TRIBUTE TO DR. JOHN O'SHAUGHNESSEY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Dr. John O'Shaughnessey. The Medical Association of Georgia has given Dr. O'Shaughnessey the 2000 Physician's Award for Community Service.

This award is presented only to physicians who rise above the expectations of their medical duties and are intensely involved with community activities. Dr. O'Shaughnessey fits this description precisely as he has donated an immense amount of time and energy to the Macon community.

Dr. O'Shaughnessey has been a dedicated member of the Macon area for many years. In addition to practicing medicine for more than thirty years, he has played an active role in several civic organizations. The Department of Family and Children's Services, the Cherry Blossom Festival, the Macon Civic Club and the Greater Macon Chamber of Commerce are a few of the organizations to which he devotes his time.

The Macon community and myself are very proud of Dr. O'Shaughnessey's service and achievement.

NEW JERSEY SENATE OBJECTS TO SCHOOL-TO-WORK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to call attention to a resolution recently passed by the New Jersey Senate. Approved on May 10, 1999, Senate Resolution No. 73 express the objection of the State Senate to the School-to-Work provisions being developed by the New Jersey Department of Education.

State Senators Joseph Kyrillos, 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 are 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 Congress should take note of the New Jersey's courageous stand.

Mr. Speaker, I hereby submit for the RECORD New Jersey Senate Resolution No. 73 and commend its content to our colleagues.

SENATE RESOLUTION NO. 73

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 core 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 eleventh 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 students 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 component of the new code provisions will result in limiting students' choices far too early in their lives and imposing job specific skills training on the 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 in to 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 local boards of 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 urges that school-to-work provisions be eliminated and that local boards of education be permitted to determine the necessity and nature of any career program for their own school district. According to the department's timetable, the new chapter of administrative code is not scheduled to be formally proposed until August, 1999.

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, paid or unpaid 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. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mrs. EMERSON. Mr. Speaker, I was attending my daughter's high school graduation and missed the following recorded votes. Had I been present, I would have voted, "no" on rollcall vote 292, "no" on rollcall vote 293, "no" on rollcall vote 294, "yes" on rollcall vote 295, "yes" on rollcall vote 296, "yes" on rollcall vote 297.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. DEMINT. Mr. Speaker, last week, I was detained in my district and missed rollcall votes No. 258–269. Had I been present, I would have voted ''yea'' on all but rollcall vote No. 267. On rollcall vote No. 267, I would have voted ''nay''.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mrs. MYRICK. Mr. Speaker, I was unavoidably detained during the following vote. If I had been present, I would have voted as follows:

On June 15, 2000, rollcall vote 279, on the Nethercutt amendment to keep in place the fund limitation proposed to be loosened by the Dicks amendment which would subsequently require the Forest Service and BLM to complete a regulatory flexibility analysis as required by law for the Interior Columbia Basin Project, I would have voted yea.

POCONO LIONS CELEBRATE 50 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to the Pocono Lions Club in Pocono Pines, Pennsylvania. The Lions are celebrating their 50th anniversary at a dinner on June 24, and their record of service is truly deserving of honor and recognition by the House of Representatives.

In the fall of 1949, a group of Pocono-area men met at Johnny's Inn in Pocono Summit to discuss the possibility of forming a Lions Club dedicated to serving some of the needs of the community. Bill Lewis and John Desanto, who became the Pocono club's first president, were the original group leaders. Bill Lewis is the lone surviving charter member and remains very active in the Lion's activities to this day.

The Pocono Lions are a group of community-minded people who pool their talents in behalf of local, national and international needs. Their members are mostly retired businesspeople who enjoy the social aspects of the club while also returning something to the community that has been home to them and their families for many years.

Their largest fundraiser is their annual auction, held on the fourth Saturday in August, although they hold several other events throughout the year to contribute to the community. They like to say that they make money and then give it away. Some of their recent donations include $3,500 to the Pocono Regional Police, $5,000 in scholarships for local high school students and $500 to the Salvation Army for its building fund.

The Pocono Lions will be inducting four new members at their 50th Anniversary Charter Night, who will be joining the current membership of about 45 in their active fulfillment of the Lions motto: ''We Serve.''

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the fine work that the Pocono Lions do for their community, the nation and the world, and I send my best wishes on the occasion of their 50th anniversary.

INTRODUCTION OF AMERICAN GOLD STAR PARENTS ANNUITY ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. GILMAN. Mr. Speaker, I rise today with my colleagues from New York, Representative MCNULTY, and my colleagues from California, Mr. FILNER and Mr. ROHRBACHER, to introduce the American Gold Star Parents Annuity Act of 2000.

This legislation would create a new annuity of $125 per month for all current and future Gold Star Parents. Gold Star Parents are those individuals who have lost a child, who was an active duty member of the Armed Forces, to either enemy fire in a recognized conflict or to an act of terrorism.

The annuity is for each set of parents, to be divided equally if they are not longer married, should one parent be deceased, the surviving parent would receive the full amount of the annuity. The income from this annuity will be completely tax free.

Receipt of this annuity is contingent on the parents being awarded a Gold Star, for which eligibility is determined by the Secretary of Defense. The bulk of the recipients will be members of the American Gold Star Mothers.

The American Gold Star Mothers is an organization that had its beginnings in World War I. During that conflict, a blue star was used to represent a person serving in the United States' Armed Forces. As American casualties mounted in 1917, silver stars were used to represent those who had been wounded, and Gold Stars were used for those who had died in the service of their country.

On June 4, 1928, a group of twenty-five mothers residing in the Washington, DC vicinity, met to provide plans for the founding of a national organization. The American Gold Star Mothers was officially incorporated on January 5, 1929.

Membership was initially open only to mothers who had lost a son or daughter in World War I, but was later opened to those who had lost a child in World War II, Korea, Vietnam and the Persian Gulf conflict.

These additions have parallel congressional modifications to the U.S. Code to permit the Secretary of Defense to award gold star pins to the parents of deceased veterans of those conflicts as well as those who lost children in terrorist attacks on U.S. Armed Forces.

Since its founding, the American Gold Star Mothers has played a vital role in the healing process for those who had lost a child. Through bringing together individuals that share a common tragedy, this organization has helped all of its members realize that they are not alone in their grief.

Furthermore, the Gold Star Mothers have also performed the important service of assisting veterans of the last century's military conflicts and their descendants with the presentation of claims before the Veterans' administration. They also perform thousands of hours of volunteer service in VA hospitals, offering assistance and conflict to hospitalized veterans and their families.

Mr. Speaker, our nation has always sought to look after the surviving spouse and children of a service-member who has been killed in action. Often overlooked however, are the parents of the deceased service-member. This is unfortunate since the parents are usually the two people who have had the greatest role in shaping that person, and have had the greatest impact on his or her life. Yet beyond heartfelt condolences, the parents receive very little from the Government that their child chose to patriotically serve as a member of the Armed Forces.

While nobody would claim that the Government does not have some obligation to the widowed spouse and the killed soldier's children, very few have argued on the behalf of the parents who lose their children to war. Only those parents who relied on their child as a primary means of support currently receive any benefit when their child is killed in the line of duty.

This legislation seeks to change this reality. It offers a small annuity to any parent, mother or father, regardless of need, as a sign of appreciation for the ultimate sacrifice made by their child in the defense of freedom and liberty.

§ 1126. Gold star lapel button: eligibility and distribution

(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces—

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;

(2) who lost or lose their lives after June 30, 1958—

(A) while engaged in an action against an enemy of the United States;

(B) while engaged in military operations involving conflict with an opposing foreign force; or

(C) while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or

(3) who lost or lose their lives after March 28, 1973, as a result of—

(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

(b) Under regulations to be prescribe by the Secretary of Defense, the Secretary concerned, upon application to him, shall furnish one gold star lapel button without cost to the widow and to each parent and next of kin of a member who lost or loses his or her life under any circumstances prescribed in subsection (a).

(c) Not more than one gold star lapel button may be furnished to any one individual except that, when a gold star lapel button furnished under this section has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was furnished, the button may be replaced upon application and payment of an amount sufficient to cover the cost of manufacture and distribution.

(d) In this section:

(1) The term ''widow'' includes widower.

(2) The term ''parents'' includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) The term ''next of kin'' includes only children, brothers, sisters, half brothers, and half sisters.

(4) The term ''children'' includes stepchildren and children through adoption.

(5) The term ''World War I'' includes the period from April 6, 1917, to March 3, 1921.

(6) The term ''World War II'' includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(7) The term ''military operations'' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

(8) The term ''peacekeeping force'' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.

H.R. —

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gold Star Parents Annuity Act.''

SEC. 2. SPECIAL PENSION FOR GOLD STAR PARENTS.

(a) IN GENERAL.—(1) Chapter 15 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER V—SPECIAL PENSION FOR GOLD STAR PARENTS

§ 1571. Gold Star parents

''(a) The Secretary shall pay monthly to each person who has received a Gold Star lapel pin under section 1126 of title 10 as a parent of a person who died in a manner described in subsection (a) of that section a special pension in an amount determined under subsection (b).

''(b) The amount of special pension payable under this section with respect to the death of any person shall be $125 per month. In any case in which there is more than one parent eligible for special pension under this section with respect to the death of a person, the Secretary shall divide the payment equally among those eligible parents.

''(c) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

HELP WANTED—NIGHT WATCHMAN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, I submit for the record the attached editorial written by Oliver North and published in the Washington Times.

[From the Washington Times, June 18, 2000]

(By Oliver North)

Prince Albert is on his ''progress and prosperity tour'' asking Americans ''are you better off than you were eight years ago?'' If ''better off'' includes America's national security, the answer is: You have to be kidding. The day the vice president began to ''re-introduce himself to the American people,'' shell-shocked Clinton-Gore administration officials dodged questions about how they lost more of America's dwindling supply of nuclear secrets.

After a monthlong cover-up, it was finally admitted on June 12 that computer hard drives from the Los Alamos National Laboratory's ''X Division''—where nuclear weapons are designed—have been missing from a vault at the lab since ''some time in May.'' This is the latest embarrassment for Los Alamos, which is still reeling from a string of security lapses, including the arrest of Taiwanese-American scientist Wen Ho Lee on 59 counts of mishandling nuclear secrets. Energy Secretary Bill Richardson, a potential running mate for Internet Al, claims ''there is no evidence of espionage'' and ''the missing computer files may be related to the evacuation of the facility during the recent forest fires.'' Get the word: ''missing''—as in, ''My home work is 'missing.' Maybe the dog ate it.''

The ''missing'' multi-gigabyte computer drives contain detailed, highly secret, nuclear weapons data used by the super-sensitive Nuclear Emergency Search Team (NEST)—an interagency contingent of military and civilian specialists who respond to nuclear accidents and nuclear-related terrorist threats. The data on the had drives includes all the information necessary to disarm all nuclear weapons worldwide. This is, of course, the same kind of data needed to arm or build a nuclear device. That is what's ''missing.''

Security lapses are nothing new for this regime. In the wake of the administration's latest fiasco, Rep. Porter Goss, Florida Republican, chairman of the House Select Intelligence Committee, told me that ''when it comes to security, the Clinton-Gore administration manifests a culture of disdain.'' He is right and it is an attitude that pervades not just our nuclear weapons labs but the whole administration.

In 1994, more than a year after taking office, more than 100 high-level White House staff members still had no security clearances because they never bothered to complete the paperwork for requisite background investigations. They were granted access to highly classified information anyway.

By 1996, White House security was so lax that shortly before fleeing the country, Democratic Party fund-raiser Charlie Trie smuggled a foreign businessman into the White House using false identification. When the General Accounting Office reported that from January 1993 until June 1996 there were no procedures to control access to Sensitive Compartmental Information (a level of classification higher than Top Secret) within the Executive Office of the President, White House officials promised to ''fix the problem.'' They did not.

At the State Department, foreign spies stand in line to rip off America's secrets. In 1998, an unidentified individual posing as a reporter walked out of the Secretary of State Madeleine Albright's office suite with a stack of classified documents. Last year, the FBI caught a Russian Intelligence Service spy wearing headphones outside the State Department headquarters and discovered a device planted in a secure conference room inside the building. This January, a laptop computer containing top secret information vanished from the department's Bureau of Intelligence and Research. Mrs. Albright said she was ''outraged.''

Last year, FBI agent Michael Vatis told Congress that computer hackers broke into the Pentagon's classified computer systems and downloaded ''vast quantities of data'' containing ''sensitive information about essential defense matters.'' The FBI suspected the Russian intelligence service. What did the Clinton-Gore administration do? They asked the Russians to help. Like O.J., the Russians are still looking for those who really did it.

But even when the perpetrators of massive security violations are caught, it hardly matters. According to the CIA's inspector general, John Deutch, the Clinton-Gore CIA director from 1995–1996, routinely ''placed national security information at risk'' by processing a ''large volume of highly classified information'' on his unprotected home computer. After covering up the breach (and failing to notify the FBI as required by law) for more than 18 months, Mr. Deutch had his security clearances revoked and was given a letter of reprimand.

The abysmal seven-year national security record of the Clinton-Gore administration should come as no surprise—nor should their predictable spin: First comes the plea not to ''make a partisan issue'' out of what is at best gross incompetence and at worst dangerous malfeasance. Then comes the accusation there has always been espionage (remember the ''everyone does it'' defense from Monicagate?). Finally the counterallegations: ''It is all the fault of the Reagan and Bush administrations.''

Don't be surprised to hear Bill's and Al's pals tell you that if Presidents Reagan and Bush hadn't planted so many trees, the Clinton-Gore administration wouldn't have had to do a ''controlled burn'' of several thousand acres and 205 houses, thus forcing the evacuation of the Los Alamos lab. If that doesn't wash, they can argue there is nothing on these missing hard drives that the Communist Chinese didn't already get.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under

consideration 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,

Mr. BARCIA. Mr. Chairman, I rise today in support of the Collins/Linder amendment. This amendment would prohibit EPA from using any funds in the bill to designate ''ozone non-attainment areas'' under the more stringent National Ambient Air Quality Standards issued by EPA in 1997 which were ruled unconstitutional by the D.C. Superior Court. The amendment will simply postpone the designation of new non-attainment areas using the 1997 standards, until the Supreme Court decides once and for all if the standards are legally enforceable. If we fail to pass this important amendment a similar problem that we are facing in Michigan could occur in other states.

And now I would like to highlight how we in Michigan are grappling with this similar problem. The proposal by the EPA to reinstate the 1-hour ozone standard—after the 8-hour rule was declared unconstitutional—based on monitoring data collected in 1997 is flawed. Using that data counties such as Saginaw, Allegan, Genesee, Bay and Midland would be designated nonattainment areas even though all of these counties are currently measuring acceptable attainment levels.

Let me say that there isn't a person or organization in this room who doesn't want clean air, clean water, and a safe environmental legacy to leave to our children and grandchildren.

As a legislator, I have consistently worked toward achieving a cleaner environment, and as a nation we have made great gains in the past two decades to clean polluted rivers, to ensure that toxic emissions are reduced, and expedite the clean-up of hazardous waste sites across the country.

The Environmental Protection Agency has played a major role in spearheading these efforts and we should fully recognize the important role they play in maintaining a clean and healthy environment.

Their mission, ''to protect human health and to safeguard the natural environment'' is one of the most important that is carried out by any federal agency.

Unfortunately, the proposed rule EPA has under discussion—is of the type that unnecessarily causes friction between the business community and environmental groups. It causes friction where none should exist. And just as damaging—I think the ruling undermines the credibility of the EPA.

For me, this fails the litmus test of common sense and is therefore unreasonable. If an area is clean now, then they should be treated accordingly.

The whole idea behind any enforcement mechanism is to ensure compliance. If compliance is met then there shouldn't be a problem—the EPA ruling is putting the cart before the horse—and it is placing bureaucratic gymnastics above the economic and environmental well being of our community.

Keeping the Attainment status is important for the viability of our local economy. A non-attainment status will have far reaching negative effects for our economic base, including putting into jeopardy $24 million in much needed transportation projects, making our area unattractive to new business and stifle economic development.

And for what—to penalize a community because their air is well within compliance in the first place?

The EPA needs to meet us halfway so that the problem can be resolved. It is that simple.

ABRAHAM LINCOLN INTERPRETATIVE CENTER

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. HILL of Indiana. Mr. Speaker, I rise in support of H.R. 3084 which authorizes funds for the establishment of a new interpretative center in Springfield, IL honoring President Abraham Lincoln. As we celebrate the life and contributions of this great man, I would like to point out that no commemoration is complete without mentioning southern Indiana's part in the Abraham Lincoln story.

Many people do not realize President Lincoln spent 14 years of his life on a small farm in Lincoln City, Indiana. It was at his boyhood home in southern Indiana where he helped his father work the land, cultivated his love of reading, and developed a curious and inquisitive nature. Sadly, he also lost his mother there, Nancy Hanks Lincoln, when he was just nine years old. The time he spent in Indiana during his formative years undoubtedly contributed to the development of President Lincoln's extraordinary character—from an honest, hardworking boy to one of our country's finest leaders.

Mr. Speaker, the residents of Indiana are proud of this heritage. I encourage all Americans wishing to learn more about this American hero to visit Lincoln City, Indiana and the Lincoln Boyhood National Memorial located just off the Lincoln Heritage Trail.

TRIBUTE TO LINDSEY ROBERTS, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and recognize the accomplishments and success of one of Mississippi's finest civil servants. For many years, Lindsey Roberts, Jr., has worked diligently to ensure the continued growth and development of Mississippi for future generations.

Since 1988, Roberts has served the people of Montgomery County as a member and past president of the Board of Supervisors. During the past year, Roberts has been instrumental in bringing more than $2.5 million in grant funds to Montgomery County for road and other infrastructure improvements.

Roberts has brought a tremendous amount of recognition to Montgomery County through his election as president of the Mississippi Association of Supervisors (MAS) Minority Caucus and as the recipient of the 1999 MAS Presidential Award.

In addition, for his outstanding efforts to obtain grant funding for Montgomery County and the recognition he has brought to the community through his involvement on the state and national levels, he was presented with the Government Award for the year 2000.

Mr. Speaker, Lindsey Roberts, Jr., should be an inspiration to us all. His tireless efforts have not gone unnoticed by the people of Montgomery County. He is sure to be a positive force within the state of Mississippi for many years to come.

HONORING THE CITY OF CEDARTOWN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, today I recognize the City of Cedartown, Georgia, for hosting the Cedartown Pre-Peachtree Training Camp for some of the world's greatest wheelchair athletes during the week of Monday, June 26th through Saturday, July 1st.

Cedartown, located in Polk County is in the heart of the 7th Congressional District, and is a beautiful, rural and historic community west of Atlanta.

Building on the success as a host community during the 1996 Summer Olympics, Cedartown is now hosting more than 20 world-class wheelchair athletes from around the world, including the United States, Canada, Japan, New Zealand, Thailand, Australia, Mexico, Switzerland, and South Africa, for a week of training and special events in preparation for the Peachtree Road Race on July 4th.

The Peachtree Road Race is held in Atlanta every Fourth of July, and is the world's largest 10K race, with more than 50,000 participants. The race includes a wheelchair event.

More than 75 Cedartown volunteers are providing accommodations, transportation, and food for the athletes during the week. I am proud to represent Cedartown and its citizens as they continue to make their mark on the world.

A TRIBUTE TO MIGRANT HEAD START CENTER WORKERS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARCIA. Mr. Speaker, migrant farm workers often come to the United States under severe circumstances and hardship, looking for work in this great country. Unfortunately, services and programs for migrant workers are often unavailable. I rise to pay tribute to three people who devoted their lives to helping migrant farm workers become self-sufficient in their new lives here in America. And on Sunday, June 25, 2000, Francisca Huizar, Aida

Ortiz and Fernando Fecundo will be honored and memorialized in a tree planting ceremony at the Migrant Head Start Center in Omer, Michigan.

In Michigan's Fifth District we are fortunate, not only to have a Migrant Head Start Center, but also to have staff workers that are dedicated to the success and well being of those who use their services. Though Francisca, Aida and Fernando have all passed away, their hard work and devotion to helping the migrant community remains as an example to us all.

Each one of the individuals being honored this Sunday has contributed to the success of the center in various ways. Fernando, who moved to Bay City with his family in 1961, gave special time and attention to the migrant farm worker population in the region. Francisca, who also worked as a counselor at Bay City Public High Schools, focused on helping workers with education and health services. And Aida, a former state education coordinator, was involved in infant/toddler classrooms and staff training. Both Aida and Fernando not only taught and helped others advance their education, but they also modeled this aspiration by continuing to work toward college degrees.

At a time of unprecedented prosperity and success in our country, the disadvantaged sometimes get left behind. I am proud to say, Mr. Speaker, that because of people like Aida, Fernando and Francisca, the migrant community in Arenac County is not being left behind. These three people contributed their lives to the Migrant Head Start Center and to those in need who came there for help.

I urge my colleagues to join me in paying tribute to these three outstanding individuals who play critical roles in the well being of migrant farm workers in Michigan's Fifth District. They will be missed, but their legacy will remain.

INTRODUCTION OF LEGISLATION TO BENEFIT ZUNI AND ACOMA NATIVE AMERICANS

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SKEEN. Mr. Speaker, today I am introducing two bills to provide further assistance to Native Americans in my state of New Mexico. The legislation is simple and corrects deficiencies in current laws and regulations that apply to these two Pueblos. The two bills will further the case for self-sufficiency and for tribal self determination for our New Mexico Native Americans.

The Acoma Pueblo comprises some 380,000 acres located 56 miles of Albuquerque. The first bill deals with the sub-surface mineral rights of Acoma Pueblo trust lands. The Acoma Pueblo, like many Native American tribes, has sought to restore its reservation to its historic boundaries. Over 6,000 Pueblo members live on and around the Acoma Mesa which was originally referred to as the "Sky City". It is thought to be one of the oldest continually inhabited sites in the United States, first report by Fray Marcos de Niza in 1539 and then visited by Francisco de Cornado's army in 1540.

In 1988, the Pueblo purchased a large ranch that adjoined their reservation and subsequently the Secretary of the Interior took over 100,000 surface acres into trust and it became a permanent part of the reservation. This additional land is necessary as the Pueblo grows and prospers because of new economic activity.

When they purchased the ranch the subsurface mineral rights were not part of land transfer. This is not an uncommon occurrence in the West where only the surface estate is sold from owner to owner. Much of this practice goes back to the settling of the West when the federal government awarded checkerboard pieces of land to railroads in return for their building lines across the nation. The railroads then sold the land off to finance their companies activities but kept the subsurface mineral estate.

Under this legislation, the current owner of the subsurface estate would enter into an exchange agreement with the Bureau of Land management for equal valued federal lands and rights. In return the BLM would receive the subsurface rights which would be placed into trust by the Secretary of the Interior for the benefit of the Acoma Pueblo unifying both the surface and subsurface estate.

This legislation amounts to a win-win for all of the stakeholders involved. First, the Acoma Pueblo does not have to worry about the subsurface mineral rights holder attempting to exercise its rights. This legislation gives them the total control over their lands that they need and deserve under the trust responsibility of the United States. The current third party owner of the subsurface mineral estate is made whole without having to exercise their rights and being placed in a conflict with the Acoma Pueblo. And finally the public wins because federal lands will go into the private sector and back on the tax rolls. I hope the Congress will act quickly on this important legislation.

The second bill amounts to a technical change in previous legislation passed during the 101st Congress. The Zuni Land Conservation Act of 1990 (Public Law 101–486) was signed into law on October 31, 1990. It was passed as part of efforts to settle a lands claim case that had kept land ownership issues in limbo for years in western New Mexico. Basically the bill settled compensation issues for lands taken without authority that were before the Court of Claims.

The Zuni Pueblo, with a reservation population estimated at over 9,000, is comprised of over 460,000 acres of land located on the western border of New Mexico almost due west of Albuquerque. Sheep production is the top agriculture activity on the reservation. Crafts produced on the reservation are known worldwide, especially their famous jewelry, fetishes, pottery, paintings and beadwork. Most of the tribal businesses are centered around the arts and crafts industry.

The legislation authorized a payment of $25 million into a Zuni Indian Resource Development Trust Fund. The Trustee of the fund was the Secretary of the Interior. Expenditures from the fund were limited both in the amount and also what the money could be spent for. The money, including the interest on investments, was to be used to carry out a resource development plan put together by the Tribe and by the Secretary of the Interior. Some of the money was used to purchase additional land for the reservation. The legislation I introduce today will allow the Zuni's to invest their funds rather than having the BIA do it. Provisions dealing with what the funds can be used for will remain unchanged. I hope the Congress will move quickly on this legislation also.

Both bills are relatively non-controversial. Both will lead to greater self governance by the respective pueblos and I would hope that the Clinton Administration will support these efforts to assist Native Americans in controlling their own future.

HONORING THE LATE CHARLES "CHARLIE" ISAMI TANIMURA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. FARR of California. Mr. Speaker, I rise on this occasion to honor Mr. Charles "Charlie" Isami Tanimura who contributed not only to the city of Salinas, but also in the agricultural community as co-founder of Tanimura & Antle, one of the nation's largest independent produce growers. Charles Tanimura will be remembered greatly for his spirit of true innovation. On February 27, 2000, Mr. Charles Tanimura passed away at the age of 83.

Mr. Tanimura was born December 15, 1916 in San Juan Bautista, where his father had settled from Japan. One of 12 brothers and sisters, Charles saw farming as the family livelihood and later took on the farming operation with four of his brothers in the 1930's. As World War II began, many of the Tanimura family members found themselves being sent to internment camps. However, Charles had enlisted in the Army prior to the bombing. During the family's internment, the Tanimuras lost the leases on the land they were farming, however shortly after they were able to rebuild their operation to include thousands of prime agricultural acres.

Friends described Tanimura as an, "unassuming individual who preferred to stay out of the limelight". Known as a member of the Japanese-American Citizens League, Tanimura will be remembered as generous in helping with the Buddhist Temple's annual festival in July.

As noted by many individuals in the community, "Just to be a Tanimura is to be famous." To be a Tanimura is to have left a valued contribution on society. Charles Tanimura exemplifies the spirit of resilience in his fight to persevere in the face of great obstacles. Mr. Speaker, it is with these words that I ask you and our colleagues to join me in honoring this example of a man. Mr. Charles Tanimura is survived by his loving wife, Fumiko; his three children, Gary Tanimura, Keith Tanimura and Bonnie Yokomata; his four brothers, George, John, Tom and Robert Tanimura; three sisters, Alice Sato, Betty Furushko and Rose Yuki; two grandchildren and numerous nieces and nephews.

CONGRESS NEEDS TO ARM TAIWAN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, I submit for the record the attached editorial written by Phil Kent and published in The Augusta Chronicle.

[From the Augusta Chronicle, June 12, 2000]

CONGRESS NEEDS TO ARM TAIWAN

(By Phil Kent)

The story broke in the Taiwan press on May 25: The Communist Chinese military started live-fire artillery exercises for six days near the closest output maintained by the free Chinese, who recently inaugurated a new president who adheres to pro-free enterprise, anti-Communist policies.

What does the Clinton administration do? Next to nothing.

That same week, an unnamed top Clinton official with the National Security Council even said it was a mistake for the United States to issue a visa to new President Chen Chui-bian's predecessor so he could attend a reunion at his U.S. alma mater. Just before that insulting declaration, the Clinton administration decided against selling four Aegis destroyers to Taiwan. (It did, however, approve the sale of long-ranger radar designed to detect missile launches.)

Yet if the anti-Communist island can't defend itself, radar doesn't do much except perhaps tell them to duck. What Taiwan's tough-but-small military needs are missiles of their own to scare off the mainland from any attack.

According to a recent classified Pentagon report leaked to the Washington Post, Taiwan is far more vulnerable to invasion from the Communist Beijing government than was previously known. The island's military technology has fallen behind Beijing's, particularly in the area of defending itself from air and missile attack.

Since the May 20 inauguration of Chen, and his appointment of a hard-line anti-Communist from the previous ruling party as defense minister, the Red Chinese military has been rattling its saber even more frequently. Yet President Clinton is still reluctant to sell military equipment to the island.

This reluctance, and the administration's pro-Beijing slant, is thankfully drawing the attention of Congress, which is naturally concerned that the 1979 Taiwan Relations Act is being ignored. That legislation requires that all arms-sale decisions must be based solely on Taiwan's defense needs.

In light of the Pentagon report and current Chinese military provocations, those defense needs have never been greater.

A bipartisan block in Congress has drawn up new legislation, the Taiwan Security Enhancement Act. Among other things, this legislation would order the executive branch to explain whenever it rejects, postpones or changes a military request from Taiwan.

This bill was introduced because key lawmakers of both parties value the island as a loyal ally and key trading partner. Taiwan deserves entry into the World Trade Organization, as does Mainland China, especially since Taiwan is free, open, and democratic.

How can Americans who live in a country that is the self-proclaimed ''leader of the free world'' ever abandon a free country to dictatorship? At the very least, the people's representatives in the legislative branch of our government can hold the executive branch to account when it comes to defensive armaments in Taiwain.

SENATOR PAT THOMAS—DISTINGUISHED CITIZEN LEGISLATOR, GREAT FLORIDIAN, AND GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. MEEK of Florida. Mr. Speaker, Members of the House, today I pay tribute to Florida State Senator Pat Thomas. Pat was a genial, small-town, citizen legislator with a big heart and a folksy touch, who served in the Florida Legislature for nearly 30 years. Sen. Thomas passed away yesterday, after a bout with cancer. He was 66.

Senator Thomas leaves a legacy of integrity, loyalty, and good cheer. He was emblematic of an era when big-hearted, back-slapping country politicians were the rule rather than the exception.

He was remembered by his colleague State Representative Al Lawson as an ''uncommon man who had the common touch. As a hero to his community, because he grew up there poor and knew what it was to have opportunity through education.''

Pat began his political career as a teenager in the Future Farmers of America and was active in student politics at the University of Florida. Thomas became a power in the Florida Democratic Party during the heyday of the ''Pork Chop Gang'' of the early 1960s, and served as Party Chair from 1966–70. When I served in the Florida Senate from 1982–1992, he was still a powerful force to be reckoned with. He served as Senate President in 1992 and again in 1994.

Senator Thomas was equally at home in the tobacco barns of his native Gadsden County and fish fries of the campaign trail as he was in the back rooms and power suites of the Florida Capitol.

But that is only part of Pat Thomas' legacy. He genuinely loved people and delivered the kinds of basic services that they needed—roads, sewers, and education. He kept a black and white photograph in his office showing two small children in his district getting water from a creek. He once used that photo during debate to persuade the Legislature to extend water service to parts of Gadsden County that had not been served. That's the kind of person he was, always looking out for the ''little people.''

History books will likely remember him for his major legislative accomplishments, what some derisively refer to as ''turkeys or pork.'' But, his major strength as a legislator was finessing a good deal, so it's no surprise that he himself considered local projects such as water towers and schools to be among his top achievements.

Pat Thomas worked with great diligence in serving the best interests of his constituents and the people of Florida. But, above all, he was a fine gentleman whose good nature and passion for life and public service endeared him to so many.

Mr. Speaker, few have achieved the success that Senator Pat Thomas has known in his profession. Few have achieved such universal respect and love. He was a compassionate giant who did common things, uncommonly well.

Mary McLeod Bethune was fond of saying, ''service is the price that we pay for the space that God lets us occupy.'' Mr. Speaker, we have lost not only a great public servant, but a great Floridian and, indeed, a great American.

CELEBRATING THE 100TH ANNIVERSARY OF THE HAINES FALLS FREE LIBRARY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a small group of citizens dedicated to the maintenance of an important public institution in the Twenty-Second Congressional District of New York. One hundred years ago, a small group of residents from Haines Falls and Twilight Park began an effort to establish a small public library to serve their residents. Their mission was simple: ''to maintain a circulating library and reading room for public use of residents of Haines Falls and vicinity.''

Much has changed since this original mission statement was written. The library has seen significant growth over the years. The original gift to two hundred books, by Stephen P. Sturges in 1900, has grown to include over 10,000. A book mobile has come and gone and the library is now filling the growing demand for new technology by offering fax and internet capability.

The Haines Falls Free Library is truly a treasure. It offers a unique collection of out-of-print books, photographs and slides of the area. The numerous local family genealogies alone are priceless.

Mr. Speaker, while change is inevitable in today's fast paced society, one thing has remained exactly the same as it was one-hundred years ago—the local commitment to the Haines Falls Free Library. The dedication of Haines Falls residents to maintaining and expanding a fully functional library is extraordinary.

Indeed Mr. Speaker, the commemoration of the one hundredth anniversary of the Haines Falls Library is truly a cause for celebration. From its inception, this endeavor to provide a public service available to all citizens, symbolizes the altruistic spirit that has built our great nation.

I ask my colleagues to join me in commemorating this very special occasion. May the next hundred years allow the residents of Haines Falls and Twilight Park to continue the friendly and specialized services that the Haines Falls Free Library has offered for the last century.

WORLDCOM-SPRINT MERGER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. OXLEY. Mr. Speaker, today I would like to address a couple of very recent news articles about the WorldCom-Sprint merger. I have been a supporter of the proposed merger since its announcement in October of 1999. My reasons for supporting the merger are the same now as they were then. When we wrote and passed the Telecommunications Act of 1996, we predicted many things, among them some consolidation in the telecom market. One of the major reasons for this urge to merge is to accommodate positive changes in the industry both domestically and internationally. These changes would be the direct result of greater competition and the resulting growth in the telecommunications sector.

The distinctions between local and long distance have begun to blur and and almost disappear. Telecommunications companies, in order to survive and compete on a global basis need to have global size and reach. The fastest and most practical way to achieve such economies of scale is through strategic unions. The new world telecom company must provide services that will go beyond local or long distance. They must offer a wide range of services including at the very least local, long distance, high-speed Internet access, and wireless.

I believe the proposed WorldCom-Sprint merger is a textbook example of what we in Congress envisioned when we passed the Telecom Act. The combination of these two corporations would create an American company suited to compete with anybody and everybody on a global basis for the foreseeable future. Its size and offerings will create jobs, encourage technological innovations, and promote competitive pricing for consumers.

Given that, you can see why I am so concerned about the recent articles I've read in the Washington Post and the Wall Street Journal stating that the European Commission is on the verge of recommending against approving the merger. While I'm not privy to the technical reviews conducted by the E.C. and don't know why they may have reached their reported conclusion, I find it disconcerting to see actual quotes attributed to ''senior EU officials'' before the member states have voted. I also find it troublesome to read in the papers statements made by U.S. Department of Justice officials stating that they are inclined to recommend that the merger be blocked. Does the merger review process encourage the publication of intentions, real or imagined, which could have an effect on the final outcome of the review? I doubt that it does, and I am confident that it is not productive to do so. I believe it is important that the all merger review panels have an established and fair process to which they strictly adhere. Perhaps if that can still be done, they will find that this merger brings a great deal to the economy, the telecom industry and the consumers it seeks to serve.

TRIBUTE TO ATHLETE OTIS HARRIS JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and recognize the outstanding sportsmanship and accomplishments of one of the top 400-meter high school runners that Mississippi has ever produced. Otis Harris Jr., has showcased his talents to the people in Mississippi, and is now on his way to impress the world.

Harris is a recent graduate of Hinds Agricultural High School. During his high school career, he participated in some of the nation's most prestigious track events. He won the Class 2A 100, 200, and 400 meter races as a junior and continued his success as a senior by winning the 200, and the 400 meter races. To add to his accomplishments, Harris helped his high school win three consecutive Class 2A titles. He was also named to the All-State track and field team. Harris' performances over the years have landed him an invitation to compete in the U.S. Junior Nationals located in Denton, Texas. There, he will be competing against the best high school and college freshman runners from around the country for a spot on the National Junior Olympic world team.

Mr. Speaker, Otis Harris Jr. exemplifies the strength and determination of America's youth. His track records show that he has what it takes to excel at all of his endeavors. He is sure to represent the State of Mississippi well for a long time to come.