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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*June 17, 1999.*

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Monsignor Richard W. O'Keefe, Immaculate Conception Parish, Yuma, Arizona, offered the following prayer:

Lord of all our endeavors, give to our elected Congress men and women the courage to follow noble aspirations, strength to support worthy causes, integrity to seek the truth, and in all of their legislative duties, be their inspiration and guide.

Lord, you remember forever Your covenant with us. Even though it was centuries ago that You formed a community of family life with us, still You remain continually faithful. Enable us by Your merciful help to keep faith with You, to renew our covenant at important or difficult moments of our life so that at the end we may receive the promise of the covenant.

Lord, to those who believe in You, You promise kindness and truth, justice and peace. When we are faced with difficulties, increase our faith, but do not lower our ideals. From the least likely places You can bring forth the triumph of Your grace. These things we ask in Jesus name. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1905), ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1059), ''An Act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED, to be conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 331. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 559. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

## WELCOME TO REVEREND MONSIGNOR RICHARD O'KEEFE

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

Mr. PASTOR. Madam Speaker, it is with great pride and it is an honor to introduce to my colleagues and welcome to the House Monsignor O'Keefe



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from Yuma, Arizona, who is one of Arizona's greatest assets.

Monsignor Richard O'Keefe was ordained as a Roman Catholic priest on June 14, 1959, in Ireland. Two months later he found himself serving as an associate pastor in Douglas, Arizona, and ever since that time has continued to reside in Arizona. For the past 27 years, Monsignor O'Keefe has faithfully served my constituents in Yuma, Arizona, and for the last 17 has served in the capacity of pastor of Immaculate Conception Church.

I have to tell my colleagues that he is a man who works with all segments of the community. He knows how to bring all of us together to solve the problems and bring a better quality of life to our community. His philosophy is that our government, as well as its citizens, must ensure that all residents of Arizona be given equal and fair treatment.

Monsignor's vision and commitment to education is evident, for his tireless work towards building the first Catholic church high school in Yuma. Monsignor O'Keefe is a friend, a confidante and a great asset not only to Yuma County, but to all of Arizona.

On behalf of the Congress, Monsignor, we thank you for your service to your church and to your country.

## FOND FAREWELL AND SALUTATIONS TO OFFICER KEITH PICKETT

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

Mr. GIBBONS. Madam Speaker, all across America we take great pride in the work that our law enforcement personnel offer to our cities, local communities, counties and States. Today on Capitol Hill, we pay tribute to a retiring Capitol Police officer, Mr. Keith Pickett. Mr. Pickett will be retiring this Saturday after 27 years of dedicated and valiant service to this body.

His on-the-job duties have been coupled with his strong involvement and commitment to the United States Capitol Police Retirement Association, the Fraternal Order of Police, and the American Legion. While serving the American Legion, Officer Pickett worked to raise money for Heroes, a benefit for survivors of slain police officers and firefighters.

Officer Pickett also served his Nation proudly in the United States Army before serving the occupants and visitors of our Nation's Capitol, this very building that symbolizes the freedom he protects. Here, at the center of freedom in Washington, D.C., we all wish Officer Keith Pickett a fond farewell and many thanks for his 30 years of service to the Federal Government.

Officer Pickett, along with all of my colleagues in the House, I salute you for the many years of invaluable service you have provided your Nation and your fellow officers. We offer you our thanks and our best wishes as you enter this new era of your life.

## COMMUNITY REINVESTMENT ACT

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

Ms. LEE. Madam Speaker, I call to my colleagues' attention the importance of the Community Reinvestment Act, also known as CRA, which is incorporated within H.R. 10, generally described as the Financial Modernization Act.

The House will be considering H.R. 10 in the next several weeks, and I bring to my colleagues' attention the importance of maintaining CRA provisions in H.R. 10, as well as ensuring the modernization of banking securities and insurance functions to include modernization of the Community Reinvestment Act.

Madam Speaker, CRA has been an enormous success in the last two decades in raising and leveraging over $1 trillion in low-interest mortgage counseling for housing and small businesses in our underserved communities. However, the need for this kind of support continues and grows. There are over 5 million Americans in substandard housing, according to a 1998 HUD report which states: There has been a sharp increase in the number of working poor families needing housing assistance, with the total number jumping by 265,000, that is 24 percent, from 1991 to 1995.

We have a housing crisis in this country. One way to meet this crisis is to maintain the CRA provisions in H.R. 10, which are in the Leach-LaFalce language, and also modernize CRA by supporting the Gutierrez amendment to H.R. 10.

## SEVEN HABITS OF HIGHLY INEFFECTIVE GOVERNMENT

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

Mr. PITTS. Madam Speaker, this morning let us consider the seven habits of highly ineffective government. Here is a list we can all enjoy, unless, of course, one belongs to the party that has made these seven habits of highly ineffective government what they are most proud of.

Number one, disregard the law of unintended consequences. The 1974 campaign finance ''reforms'' anyone?

Number two, be compassionate with other people's money. No further comment necessary.

Number three, take credit for the other party's achievements. I think welfare reform would certainly qualify here.

Number four, spend beyond your means. Forty years of liberal Democratic rule where new programs were created without even asking how to pay for them enshrined this into Washington culture.

Number five, demonize your opponent, attack his motives. No such thing as honest disagreements.

Number six, promise tax cuts; pass tax increases once in office. That is how the liberals get elected.

Number seven, expand entitlements that are about to go bankrupt. How do we think Medicare got to where it is now?

## SUPPORT THE TAUZIN-TRAFICANT NATIONAL RETAIL SALES TAX

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

Mr. TRAFICANT. Madam Speaker, the IRS sent Joshua Jones a bill for $47,000. They said, Joshua, pay up or else. Joshua was in shock. Madam Speaker, Joshua Jones is 13 years old.

Now, I ask my colleagues, what did Joshua do, mow 50,000 lawns? Sell a million cups of lemonade? Beam me up. Thank God the burden of proof is now on the IRS.

But I have a better solution now for the Internal Revenue Service. Support the Tauzin-Traficant national retail sales tax. No more forms, no more income tax, no more audits, no more bills, no more IRS, and it is that simple. This is not rocket science.

I yield back the dilemma of Joshua Jones.

## MEDICARE FUNDING

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

Mr. WICKER. Madam Speaker, Vice President AL GORE announced his Presidential candidacy yesterday, and in the speech he said, and I quote, ''I will make sure that Medicare is never weakened, never looted, never taken away.''

How ironic to hear Mr. GORE speak those words at a time when this administration is refusing to spend the funds authorized by Congress to ensure the solvency of the Medicare program.

The Balanced Budget Act of 1997 provided the money to safeguard the health care needs of our Nation's seniors well into the 21st century. Yet, the Clinton-Gore administration is shortchanging Medicare by $20 billion. Let me repeat that. This administration is shortchanging Medicare by $20 billion. This underfunding is creating serious problems in the delivery of health services to the nearly 40 million elderly and disabled Americans who depend on Medicare.

The Vice President could make good on his campaign rhetoric and avert a major health care crisis by persuading the bureaucracy at President Clinton's Health Care Financing Administration to quit shortchanging Medicare and restore the funding to the levels authorized by Congress.

## REMEMBER MELINDA FLOWERS BY VOTING FOR COMMON-SENSE GUN MEASURES

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

Ms. DELAURO. Madam Speaker, Melinda Flowers was 4 years old when she and her 8 year old sister found a .38-caliber pistol in their mother's closet. They did not know the gun was loaded, and they played with the gun, pointing it at various items around the room. The gun went off. Melinda was fatally shot in the forehead.

As of today, Melinda Flowers' death will no longer remain anonymous. She and the 13 youngsters who die every single day because of guns are not nameless, faceless statistics; they are real people, real children who are dying from an epidemic.

Over the course of the next 2 days, Members of this body can choose between two options. They can vote for modest, common-sense gun safety provisions already approved by the United States Senate, or they can vote for a watered-down gun bill.

The mothers and fathers of this country are consistent in their plea for modest gun safety measures. Child safety locks are a simple, inexpensive way to prevent accidental deaths and in no way restrict a person's right to own a gun. Closing the loophole at gun shows will allow law-abiding citizens to get firearms freely, but prevent guns from falling into the hands of criminals.

These are common-sense, modest proposals. Let us do the will of the American people. Let us not forget Melinda Flowers.

## NO SEPARATE COMMAND AND NO SEPARATE GEOGRAPHIC AREA FOR MILITARY FORCES IN KOSOVO

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

Mr. BEREUTER. Madam Speaker, this Member rises to oppose any kind of accommodationist approach regarding Russian military forces in Kosovo. Russia's gambit at the Pristina airport clearly caught NATO and the Clinton administration off guard. It looks too much like the kind of territorial grab the Soviet Army made at the end of World War II. Moscow declared and demanded that its soldiers have a separate sector to patrol outside NATO's command.

□ 1015

Madam Speaker, Americans must not be deceived by the administration to accept euphemistic rhetoric which will mask the placement of Russian forces in a separate geographic area in Kosovo under a separate command.

President Clinton must not budge. No separate sector under Russian control.

The administration and NATO absolutely must not compromise on this issue. Congress and the American people will be watching. The world will be watching. There must be only one answer to the Russians. No, no, no. Nyet, nyet, nyet.

## WHAT POLICY WILL MAKE US SAFER?

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

Mr. WYNN. Madam Speaker, I rise today to talk about gun safety and to pose the question, What policy will make us safer? Today in Congress we will debate the issue of gun safety and, most importantly, closing the loophole with respect to gun shows. The issue will be this: Should we be allowed to do a 3-day background check on people who buy guns or should we have a watered-down version that only allows 24 hours?

Law enforcement officials such as the FBI say they need 3 days because sometimes there are thousands of Johnsons and Smiths that they have to run through their computers.

What will make us safer: Taking the 3 days to do a thorough background check so a felon or someone with mental instability does not get a gun, or rushing through for the sake of convenience and letting literally thousands of felons get guns?

These gun shows do not occur at neighborhood arenas or fairgrounds. Oftentimes it is somebody in a pickup truck who shows his guns at a small community. There is nothing wrong with that, but they should have adequate background checks. We have an opportunity to do it today.

Madam Speaker, I urge us to vote for sound, fair, sensible gun control.

## LET US FOLLOW NOBLE ASPIRATIONS

(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. Madam Speaker, I ask this Congress this morning, What do we tell the mothers and fathers of murdered children? What do we tell those who have seen 13 children die every day? This Congress has an opportunity, as was our prayer this morning, to follow noble aspirations and not follow our political aspirations. Four hundred thousand, 400,000 people were prevented from getting guns under the Brady bill. Two-thirds of them were felons.

To the Republicans who voted for the Brady bill, it is time now to follow noble aspirations and not political aspirations. It is time to join common-sense children's safety and protect them against guns.

Today I will go and talk to constituents who have called me, one who said they will use every penny to defeat me if I vote for gun safety. I ask my colleagues to stand against intimidation, stand for the saving of the lives of those who will go on after us. Tell the mothers and fathers of murdered children that we have the courage to follow our noble aspirations and stand up against the death of children in America.

Vote for gun safety today. Vote for gun safety.

## GOP: GUNS OVER PEOPLE

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

Mr. GUTIERREZ. Madam Speaker, a few weeks ago House Republicans said they believed that the United States should not take a leadership role in the world; a war in Europe was someone else's problem, they said. But this week, the GOP says the United States should be the leader of the world. The United States, according to House Republicans, must retain its title as world leader: in murders, assaults and other incidents of gun violence.

I used to think that the Republicans' isolationism simply meant that they closed their eyes to the rest of the world's problems. Now I see that they have closed their eyes to the rest of the world's solutions. The solution to gun violence and crime in every other industrialized nation has been fewer guns; more gun safety laws. It has proven it works.

Sometimes it is hard to figure out what the Members of the GOP stand for. They want us to stand alone in the world, too proud to take a lesson from other countries. They do not want us to stand up for freedom or stand up to an evil aggressor, but at least it is clear what the letters GOP stand for: Guns over people.

## AMERICAN TAXPAYERS HAVE A RIGHT TO KNOW WHAT IS GOING ON OVERSEAS, WHO IS PAYING FOR IT, AND HOW FAR THE MILITARY HAS BEEN DILUTED

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

Mr. MCINNIS. Madam Speaker, I was not going to address the House until I heard the previous speaker. I would say to the previous speaker that I would like to show him a poster which I am going to show a little later on, a very violent poster. And, of course, this company contributes maximum contributions to the Democratic National Committee.

Second of all, as the previous speaker brought up, that the Republicans are questioning what kind of action went on in Kosovo. Doggone right we are questioning about that. Who is paying their fair share over there? Are the Europeans doing their fair share of burden

sharing? Or once again, is it the taxpayers of the United States of America that are going to pay for all of the action in Kosovo, or the great majority of it?

Let us not kid anybody around here. The American taxpayer and the American citizens want to know what business we have overseas, how we are paying for it, how many of our troops are in danger, how much we have diluted the United States military.

Now, the previous speaker, apparently speaking for the Democratic Party, does not think that is any of our business. Well, I do. I think it is our business. We have the obligation to, number one, see what the mission is and how we complete it.

## VOTING TO SUPPORT JUVENILE JUSTICE BILLS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Madam Speaker, later today we will have the opportunity to vote on a bipartisan piece of legislation that stresses both accountability and prevention for juveniles. In my mind, a good juvenile justice bill must have provisions that hold juveniles immediately accountable for their actions.

H.R. 1501 requires States to implement graduated sanctions, ensuring that there is a consequence to each crime committed and that penalties increase with each additional offense.

By making activities such as restorative justice programs and drug courts eligible for funding, H.R. 1501 allows communities to be innovative in how they hold youngsters accountable. These provisions are in line with legislation that I have drafted that would fund activities allowing localities to provide individual attention to nonviolent juvenile offenders, while holding them accountable for their actions.

This legislation is based on successful efforts of the juvenile justice system in one of my counties, Clackamas County. When a juvenile offender is arrested, that juvenile is assessed, evaluated. They work with parents. They work with local police and school officials to come up with proper sanctions.

I look forward to supporting both of these bills.

## AMENDMENT TO PROVIDE PROGRAM FOR EARLY IDENTIFICATION AND INTERVENTION WITH MENTAL HEALTH SERVICES FOR YOUNG PEOPLE WHO EXHIBIT VIOLENT TENDENCIES

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

Mr. OBEY. Madam Speaker, the bill we are now debating will try young people as adults at age 13. It will provide magic solutions on guns, but it will not allow a debate on my amendment to provide a greatly expanded program for early identification and intervention with mental health services to young people at an early age if they exhibit tendencies that might lead to violence.

At the proper time today, I will ask unanimous consent to allow my amendment to be added to those other amendments that will be debated so that we can at least try to approach this problem in a comprehensive multifaceted way, so that we can deal with the problem of juvenile violence in the most comprehensive and rational fashion.

## LET US PASS LEGISLATION TO PROTECT OUR CHILDREN

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

Mr. CROWLEY. Madam Speaker, when I visit schools and community centers and meet with parents at Little League games and picnics throughout my Congressional District, I constantly hear that we must do something as a Congress and as a nation about the violence that plagues our schools and streets.

The crime rate in my district and in New York City has declined. Neighborhoods are safer. Kids do not fear gang warfare and schools throughout New York are safe havens for students. Kids may be safe but parents are concerned. They are concerned about the proliferation of guns, of kids getting access to guns without trigger locks, of guns being bought at gun shows without adequate background checks, and of the ability to buy guns over the Internet.

These are the issues that the Democrats want to address, not a bill written in secret by the NRA and brought straight to the floor without an adequate committee hearing.

Why is the bill the House is addressing weaker than its Senate bill? Let us pass legislation to protect our children, make our neighborhoods safer and make it harder for guns to get into the hands of children and criminals.

## REQUEST TO MAKE IN ORDER OBEY AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. OBEY. Madam Speaker, I ask unanimous consent that during consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, the amendment that I have posted at the desk may be considered as though it were the last amendment printed in part A of the Committee on Rules report 106–186.

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

Mr. MCINNIS. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## A REAL NIGHTMARE: DEMOCRAT TAX INCREASE

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

Mr. COOKSEY. Madam Speaker, last night I did not sleep well. I did not sleep well because I had a nightmare. I dreamed that the Democrats had control of both Houses of Congress, and the worst part of it was even more disturbing than that. In this Democrat majority Congress, the Democrat leadership decided to actually pass into law what they said they would do; in other words, raise taxes.

Millions of Democrats across the country are not liberals. In fact, many of them are quite conservative indeed; especially on fiscal issues. But the Democrat party in Washington, as most people know, is quite liberal, especially the Democrat leadership in Congress.

The House minority leader, the gentleman from Missouri (Mr. GEPHARDT), wants to expand the Federal education bureaucracy in Washington by cutting defense and raising taxes, and the minority leader in the other body, Mr. DASCHLE of South Dakota, stated just this past weekend on CNN's Evans and Novak that tax increases are on the table.

That is why I did not sleep well last night.

## CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1501.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, June 16, 1999, a request for a recorded vote on amendment No. 30 printed in part A of House Report 106–186 by the gentleman from Indiana (Mr. SOUDER) had been postponed.

It is now in order to consider amendment No. 32 printed in part A of House Report 106–186.

AMENDMENT NO. 32 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 32 offered by Mrs. EMERSON:

Add at the end the following:

**SEC. ___. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video ''killing'' games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

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

Mr. Chairman, I think it is interesting to note that Leslie Moonves, the President of CBS television, recently said that while it is not fair to blame the media for the rampage at Columbine, anyone who thinks the media has nothing to do with this is an idiot.

I think Mr. Moonves' comment really sums up why we are offering this amendment today. We have heard a lot about gun shows, pawn shops and ammo clips over the months since the violence at Columbine. We have been told that if we tweak the law a little bit here, or add a new provision to make something else illegal, somehow people who recklessly and purposely gun down others in cold blood will not do it.

Thirty years ago, we had very few gun laws and surprisingly no high school shooting sprees to report every few days or weeks or months, but 30 years ago we also had stricter discipline in schools. School officials did not worry about lawsuits if they expelled a violent child, and parents exerted more control and discipline over their children. They were not afraid to say no to their kids.

Now we have a new gun law every year. We have school officials who are afraid of being sued and we have a Federal law which seems designed to keep violent kids in classrooms, not out of them.

We have an industry that in the name of entertainment produces images of violence that are so graphic and at a pace that makes one dizzy. Why is anyone surprised that in these modern days that some students plan mass murders instead of graduation parties?

I stand here not just as a Member of Congress, I stand here as a mother who is deeply, deeply concerned about the safety and well-being of my children.

□ 1030

I stand here as a neighbor and as a parent of a high school junior who is concerned about the safety and the well-being of my neighbors' kids and my daughter's friends.

The tragedy at Columbine High School and the violence close to schools and close to my district in Paducah, Kentucky, and in Jonesboro, Arkansas, should be a real wake-up call for all of us.

We have got to work together. We have got to work together to give back families a sense of security and control over their own lives. That is what our amendment to the juvenile justice bill seeks to do. It seeks to generate a serious dialogue in our Nation about the negative images that our children are exposed to when they watch television, when they go to the movies, when they play video games, and when they listen to CDs. This dialogue needs to take place in our homes, in our communities; yes, it also needs to take place in the Halls of Congress.

Specifically, our amendment calls on the entertainment industry to recognize the power and the influence it has over our Nation's youth. We ask that the industry does everything in its power to eliminate gratuitous acts of violence in movies, on television, in music lyrics, and in video games.

If we invest the time and the energy to have this discussion, I think we can discover ways to address the factors that contribute to youth violence in America. Now, there may be some things that we can do legislatively, but the bottom line is, quite frankly, much of the solution cannot be legislated.

Our amendment does not create any new laws. It does not create any new regulations. Our amendment does not fund yet another study on the already well-documented impact that violence as entertainment has on our Nation's youth.

I hope that our amendment sends a very clear message to the entertainment industry that Congress and the American people do hold them responsible for the desensitizing images that they market to our children. After all, we would really, really have to be idiots if we think the entertainment industry does not have anything to do with youth violence in America.

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

The CHAIRMAN. Does the gentleman from California (Mr. BERMAN) seek to control the time in opposition?

Mr. BERMAN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized for 20 minutes.

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment. I do not think anyone in today's modern society can deny the power of the entertainment industry, of the movie industry, of the TV media. We know that this is an industry that can make us cry, that can raise goose pimples on our skin. It can make the hair on the back of our neck stand up. The industry should never deny its power.

In conversations with many executives, they have thought from time to time it was rather foolish for an industry that can convey all of these emotions, that can change the direction of society with uplifting movies, can repeat the history in realistic movies, to deny that power.

But we also know that where we run into trouble with the media industry is where the media industry has access to our children in a vacuum, where the media, the entertainment industry has access to our children in a disproportionate number of hours during the day, when the media and the entertainment industry become substitutes for what families should, in fact, be doing.

Because the same research that tells us rather convincingly that the media can have a very powerful impact on our children, that the entertainment industry can help desensitize our children to violence, to the acts of violence, that it, in fact, can teach them how to perpetrate violence, the same research and additional research makes a very important point.

Where they have strong family bonding, effective teaching of moral values and norms, and effective monitoring of behavior, the effective exposure to violence on TV is probably negligible.

So, really, what this amendment is about is about whether or not we are prepared to choose, whether or not we as families with children and grandchildren are prepared to choose. We can let the media, we can let the entertainment industry become a substitute for our families. We can let our children have access to it without guidelines, without some sense of discipline. We

can let it become the teacher of our children, or we can choose to become the teacher of our children. We can let it baby-sit de facto, become the babysitter for our children, provide day care for our children; or, in fact, we can spend time with our children.

We can decide whether or not it becomes a substitute for our reading to our children. We can decide whether it becomes a substitute for our conversations with our children on values, on ethics, on sex. That is the decision that we have to make.

Because it is not the media in and of itself, it is not the entertainment industry in and of itself that creates this problem. It is in combination with the vacuum that is created by families that creates a vacuum, because they, in fact, have made other choices in their life, some out of necessity, some out of neglect, and some because simply that is what they want to do.

But they have made choices, as we have documented time and time again. They are spending less time with their children. They are having fewer conversations with their children. They are spending less time at the breakfast table, at the dinner table, some because they have very long commutes, some because I guess they choose not to spend time with their children.

That is where the problem in this intersection of this very powerful industry comes into play. I do not think they can solve that by having a blanket condemnation of that industry. I do not think they can do that, because I do not think, then, it is realistic to the children who they are trying to address.

They understand the differences between uplifting movies, movies like ''Schindler's List,'' movies like ''Star Wars,'' movies like ''Notting Hill,'' movies that portray life as they see it, and movies that have nothing to do but pursue the exploitation of women, sex, and violence.

Mrs. EMERSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I ask the gentleman from California (Mr. GEORGE MILLER) to take a look at the language of the amendment. It does not, in fact, condemn the industry. It simply asks them to admit that it has a responsibility for the power that violence has on television and its impact on children, but also asks them to sit down with us in serious dialogue.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentlewoman will yield, I thank the gentlewoman. I think that conversation and responsibility also has to take place in our families. That conversation has to take place.

Mrs. EMERSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

As a member of the committee and on behalf of the subcommittee chairman and committee chairman, both of whom support the gentlewoman's amendment, I would say that our children are being desensitized by the increase of violence shown on television and in movies and in video games.

According to the American Medical Association, by the time an average child has reached the age of 18, he or she has witnessed something like 200,000 acts of violence on television, including over 16,000 murders. Children are particularly susceptible to the influence of violent subject matter.

The entertainment industry must recognize the power and influence it has over the behavior of our Nation's youth. The entertainment industry should do everything in its power to stop these portrayals of pointless acts of brutality, pointless, by eliminating gratuitous acts of violence in movies and in television and in video games.

Again, on behalf of the committee, I want to very much support and thank the gentlewoman from Missouri (Mrs. EMERSON) for offering this amendment. I think it is appropriate.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We are in the middle of a historic national dialogue on how to reduce violence in our society and make America a safer place for children to grow up. I believe that the more this dialogue is about finding solutions, and the less it is about fixing blame, the more productive the dialogue will be.

Simply blaming the entertainment industry for youth violence is not productive any more than simply blaming schools or blaming young people in general is productive. Our job is to find practical, effective solutions to the problems of youth violence.

The debate today has largely focused on movies, television, and the Internet and video games. Yes, we should encourage the entertainment companies to take any and all steps to prevent objectionable, violent material from getting into the hands of children. Certainly we should support policies that empower parents to know the contents of movies and video games and help them to steer their kids away from violent, debasing entertainment and towards wholesome and productive pursuits. But we must not fail to address issues that I strongly believe strike nearer to the root of the problem of youth violence.

I am deeply saddened that the Committee on Rules struck down an amendment that would have made a giant step in the right direction. I join my fellow Democrats in urging that the juvenile justice bill do more to help our local communities and local districts to help our kids keep out of trouble when they are most at risk, immediately after school. Yet the Republican leadership said no to providing the resources that will help our kids by providing wholesome and productive after-school activities for our children.

Democrats called for tripling the amount of Federal support for after-school programs, including tutoring and mentoring and healthy recreational activities. We called for filling in the risky hours of the days, the hours after school while the opportunity for more youngsters to improve their schoolwork, grow as responsible citizens, learn values, and build stronger minds and bodies. To me, that seems like a practical and effective solution to the pathology that leads to youth violence. But the Republican leadership said no.

Now I fear that we are on the verge of a marathon demonization of the entertainment industry, a tactic of limited value, especially compared to the real-world practical and effective strategies such as tutoring and mentoring, counseling, and wholesome recreation.

We can rest assured that if we do not make it a national priority to provide for our young people activities that are wholesome and necessary for them to grow into strong, healthy adults, that they will be prey to the temptations of the streets and to other destructive influences.

I urge my colleagues to rein in the urge to simply assess blame to the entertainment industry. Let us all work together as parents. Let us instead focus on protecting our youth by providing the resources they need, especially in the high-risk after-school hours.

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

Mr. Chairman, I might add quickly here that, while the people in opposition to this amendment keep saying, do not blame any industry, do not blame any industry, we all have to work together, I would ask what they all have been doing blaming the gun industry, then, for all these weeks?

Mr. Chairman, I am very happy to yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment expressing a sense of Congress on this very most important topic.

I would like to thank the gentlewoman from Missouri (Mrs. EMERSON) for her leadership on this issue, because she has pushed, I think, something that needs to be touched; and she has hit it very, very well. I appreciate her leadership in many ways, but particularly here.

Mr. Chairman, while we must take a long, hard look at all aspects of our juvenile justice system, can there be any doubt, any doubt at all, that the entertainment industry is contributing to the culture of violence that manifested itself in Colorado; in Georgia; in Jonesboro, Arkansas; and Paducah, Kentucky?

These senseless acts of schoolhouse violence committed by children against children have rightfully captured the Nation's attention, and it is time for Congress to move forward with comprehensive legislation that addresses the growing epidemic of violent juvenile crime.

Part of this response must include a strong statement against often senseless and graphic violence being peddled by the so-called entertainment industry. They do bear responsibility for what comes out. The point has been made, but it bears repeating. By the age of 18, the average child in the United States will have witnessed 200,000 acts of violence and some 16,000 plus murders through our popular culture.

□ 1045

Mr. Chairman, to call this entertainment stretches the definition of the English language. What it really is is mindless brutality, having the effect of coarsening our culture, with the devastating impact on impressionable young people. The effect of this media is a slow and steady erosion of our fundamental values of decency, honor and respect.

As the elected representatives of this great country, those of us fortunate enough to have the privilege of speaking for our constituents have a duty, I think, and an obligation, to use the bully pulpit that this House affords to say to the entertainment industry ''Stop, think, change.''

The Emerson amendment calls upon those responsible for our popular culture to acknowledge the enormous influence they have over America's children, to exercise some responsibility and just a little bit of decency when making and marketing their product. We have a duty to enforce and defend the first amendment. Likewise, the entertainment industry has a duty to use judgment, decency and restraint when it comes to our children.

Mr. Chairman, I urge my colleagues to report this very common-sense amendment.

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

I rise in strong opposition to this amendment, to this language, not because I have any doubts about the sincerity and good intentions of the sponsor, and not because I have any particular disagreement with the substantive words contained in the resolution, but because I believe it is both woefully imbalanced and terribly inappropriate.

The gentlewoman, through her amendment, seeks to select out one industry, excluding a variety of other industries that do the exact same thing, in part, and then chastises that industry in a fashion that she may not intend. She may not be intending to condemn an industry, but I assure my colleagues the passage of this amendment will be reported as a condemnation of an industry.

And what is this industry? This is an industry that produces some of the most powerful teaching instruments available to the people of this country and to the world. And let us talk about them.

Where is the recognition that this is an industry that produced and distributed Saving Private Ryan, teaching Americans and the world about the courage of American soldiers, the commitment to the country's patriotic ideals, to the brutality of war?

Where is the recognition that this is the industry that produced Amistad, revealing a very important segment of the history of slavery in this country?

Or Schindler's List, which told the story of the holocaust in a fashion so powerful that people who had never before contemplated what that meant had a new understanding of it?

Where is the recognition that this is an industry that has produced for our children movies like The Little Mermaid, The Lion King, Beauty and the Beast?

Where is the recognition that there is music that has uplifted the spirits and souls of millions and millions of people all around the world?

This is an unbalanced and unfair resolution. Sure, there are irresponsible actors, absolutely there is inappropriate marketing, absolutely there are cases of pointless and senseless brutality being depicted. To select out one industry and exclude all other industries who engage in the same kind of conduct, and to treat it in such an unbalanced fashion is not worthy of this House.

It is no more fair than my offering a resolution attacking the pharmaceutical industry because one drug company marketed a drug they knew to be harmful to people, or condemning the entire construction industry for the role of asbestos. Where do we get off going after an industry in this kind of a fashion without recognizing the good as well as the bad?

These are people that employ hundreds of thousands of people in this country, that contribute tremendous amounts to the education and the inspiration of the American people, as well as the negatives that the gentlewoman points out.

Why does this amendment exclude books and other powerful means of communication that perhaps at times, with specific authors and certain publishers, might engage in pointless acts of brutality? Where do we come off as a Congress of the United States, as the House of Representatives, memorializing and institutionalizing this kind of unbalanced frontal attack on an industry without recognizing the good along with the bad?

I think it is a bad amendment, and even as I agree with specific substantive points in the language, I do not think this body should be adopting this kind of proposal.

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

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent, if the gentleman from California would be willing, to extend our time 7½ minutes on each side, because we have numerous speakers and not enough time, unless the gentleman from California would like to yield us some of his time. This is an important discussion and I think it is a good one that is worth having.

Mr. BERMAN. Mr. Chairman, reserving the right to object, how much time does each side have remaining?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 9 minutes remaining, and the gentlewoman from Missouri (Mrs. EMERSON) has 11½ minutes remaining.

The gentleman from California (Mr. BERMAN) is recognized under his reservation.

Mr. BERMAN. Mr. Chairman, if I might inquire of the gentlewoman, the unanimous consent request would allow how much more time?

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. Further reserving the right to object, I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my unanimous consent request would allow each side to have 7½ additional minutes, 15 minutes total.

Mr. BERMAN. That is a lot more time on a very busy day.

Mrs. EMERSON. I think the gentleman would agree it is worthwhile.

Mr. BERMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The CHAIRMAN. The gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from California (Mr. BERMAN) shall each have 7½ additional minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I come to the well today as a Member of the House, but more importantly as the father of a 12-year-old and a 10-year-old stating that there is no more important domestic issue that we could focus our undivided attention on than this issue of children killing other children and what the causes and effects are of this terrible sign in our society.

Almost a thousand studies since 1971 document that mass media influences children who cannot differentiate between reality and fantasy, causing them to be more violent, even causing them to do what does not come natural, and that is to kill another human being. Even rattlesnakes do not kill other rattlesnakes.

Our military had a problem, Mr. Chairman. Colonel David Grossman, a psychologist, a renowned expert in the

field of killology, a part of psychology, says that in World War II our soldiers would not even pull the trigger when an enemy was in front of them. Only 20 percent, at most, would actually pull the trigger. It does not come naturally. So they took the bulls off the firing range and put a human figure and they began desensitization techniques and therapy, and by the Korean War it got up to 40 percent. And then technology set in and they used simulators, much like we have today, and by the time of Vietnam, 90 percent of our soldiers would actually kill. It does not come natural.

My colleagues, our children, by the age of 6, are experiencing the same desensitization therapies. Video games, Karmageddon. The video game Doom is used by our military to train soldiers how to kill, and our children are being inundated with these violent products.

Let me tell my colleagues that this week, in a shameless way, the entertainment and mass media industry is working this hill over like no one can believe, around the clock, trying to push back any kind of common-sense approaches, like uniform labeling, so parents will know what is going on. That amendment will be up in an hour and a half, and the entertainment industry is working around the clock to try to defeat any common-sense approaches so that informed parents can make responsible decisions.

But this is unequivocal. These influences are taking our children in the wrong direction. Splatter movies are not responsible. The entertainment industry has a responsibility. We do not want to place blame, but we want people to be responsible. Industries are profiting from trash going into the minds of our children. If it was alcohol or drugs going into our bodies, we would not stand for it, but the same kinds of evil influences are going into the minds of children, so we should not be so surprised when they turn around and act the way they do.

Something needs to be done. Somebody has to stand up for parents and families, not these big special interests with all the money.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS) the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time, and I am happy to join in this discussion.

I had some talk with the maker of this particular amendment and we had not reached much of a conclusion, but now I have. There are several problematical things behind a well-intentioned resolution. First of all, this may be, in the 175 amendments that have been submitted to the Committee on Rules, the only sense of Congress resolution in a huge bill.

In other words, all of these other measures that are approved have a lot to do with something very, very specific. We have measures, and have debated them, to create increased protection for communities and holding juveniles more accountable; we have created entire new systems of punishment for juveniles. We have done a lot of things, but we have not done a sense of the Congress resolution against anybody yet except the entertainment industry.

Now, it is my view that what the entertainment industry really needs is some specific direction from us as to what it is we want them to do. I will shortly have the results of some hearings held in the Committee on the Judiciary in which we had a number of experts, academic, people in the industry, people who are critics of the industry, and industry spokesmen themselves, which I would like to make my colleagues the beneficiary of in terms of the nature of the kinds of things that we can do.

And so a sense of Congress resolution would be great if we were not here dealing with the amendments made in order for the Juvenile Offenders Act of 1999. In other words, this is showdown time. The question is not how we feel about the industry or what we do not like about it, the question is what are we going to do about it. And it is to that idea that a sense of Congress resolution is not what we need. What we need are something like the hundreds of amendments that have come forward out of the dozens of hours of debate on this subject.

The next thing that I think we ought to put in to some kind of perspective is that the gentlewoman mentioned that there are people that do not want to condemn the entertainment industry but they do want to condemn the gun industry. Well, that may be so. There are probably people that want to do one thing or the other, but this is not condemnation time. This is showdown time. This is what we do about the problems that we believe to exist. The Committee on the Judiciary has debated and discussed this for many, many hours, and what we want is not a sense of Congress resolution but something quite specific.

And so I want to point out that we do have an amendment to create an antitrust exemption so that we will be able to work industry-wide in any corrective action that we need.

□ 1100

We also have other recommendations that I will be reporting back to my colleagues.

But for sense of Congress resolutions, I am sorry to say the time has come and gone. We are now in the put up or shut up phase. What is it, assuming that everything you say in the resolution is correct, then what do we do? And that is what the amendments that were granted by the Committee on Rules, the substitute that I will shortly be offering today, all try to do.

It is in that sense that I wanted to make clear the reservations that I have about a sense of Congress resolution at this point in time in these proceedings.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield for a friendly question?

Mr. CONYERS. Mr. Chairman, yes, I yield to the gentleman from South Carolina.

Mr. KINGSTON. Mr. Chairman, although my colleague cannot support this, I do appreciate what he is doing through the format of hearings and looking into it. And I think that he will find, while we all have reservations about one thing or the other, we do want to work any way we can to protect children, give them more positive messages.

I want to say, I think my colleague will find the authors of this amendment are certainly willing to help his committee any way we can in a positive sense.

Mr. CONYERS. Mr. Chairman, we welcome that.

This is not an easy problem. It is a very intractable problem. It is deep within our culture. If we could just single out a couple of people and spank them on the hands or pass a condemnation resolution, I guess my colleagues would feel better about it. But it will not change anything.

What I am here for yesterday and last night, today and tonight and tomorrow, is to try to come to closure with the entertainment industry as to what it is precisely we want them to do. And in that regard, I would welcome the comments of the gentlewoman and working together with her and everything else that we can.

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

Mrs. EMERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I rise in strong support of the Emerson resolution.

Because, Mr. Chairman, before completing the sixth grade, the average American child has seen 8,000 homicides and 100,000 acts of violence on television and in the movies.

Now, how can we possibly say that this massive exposure to murder and to violence no way influences the minds of young men and women? There is no way we can. And in fact, a recent survey of young American males found that 22 to 34 percent of those young men who had been exposed to this kind of violence and murder actually tried to perform the same crime techniques.

Mr. Chairman, I was deeply moved by the testimony given in the House Committee on the Judiciary by Darryl Scott, the father of a slain daughter in the Littleton, Colorado, massacre. This remarkable father testified in part, ''I am here today to declare that Columbine was not just a tragedy, it was a spiritual event that should be forcing us to look at where the real blame lies.'' ''Men and women are three-part beings,'' he testified.

He continued, ''We all consist of body, soul and spirit. And when we

refuse to acknowledge a third part of our makeup, we create a void that allows evil, prejudice and hatred to rush in and wreak havoc.''

Mr. Chairman, what the entertainment industry is doing through the mass production of murder and mayhem is destroying the spirit of our children. So we must send a very strong message to this entertainment industry that they must stop the violence that they are thrusting into the minds and the spirits of our children. It is time that the Hollywood elites take the responsibility for the consequences of their actions.

Mr. Chairman, I would like very much to see parents whose children have been killed because of the destructive and violent material have a remedy against profiteers of such material in Federal court.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would take this opportunity to inform the managers that the gentleman from California (Mr. BERMAN) has 9½ minutes remaining and the gentlewoman from Missouri (Mrs. EMERSON) has 14½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Chairman, I am amazed when I sit over here and listen to people stand up here after the tragedies that we have experienced in this country and say, let us not assess any blame. Mr. Chairman, how do my colleagues think we are going to find a solution?

I used to be a police officer. And when we came up to the scene of a car accident, we did not stand there and say, well, let us not assess any blame. We put a lot of resources into trying to figure out who made the mistake. Was it because of a mechanical problem in the car? Is it because we had a drunk driver? We always assessed the blame. How are we going to find the solution? How are we going to get the bad drivers off the road?

Are my colleagues afraid to stand up? I ask the Democrats, are they afraid to stand up to these kind of video games and tell them it is wrong? The previous speaker said we should not condemn anybody. Well, I am standing here today telling my colleagues, I am condemning this particular game.

We ought to take a look at this, my colleagues, take a look at the game titled ''You're Gonna Die.'' It is made by Interplay Corporation.

Let me go through this in a little more detail. This specific game, and by the way, it is advertised in a magazine. We can find it in any magazine store we want to.

Now, my colleagues may not want to condemn this. But I condemn it. ''You're Gonna Die.'' Six pages centerfold. Do my colleagues know what this game allows us to do? This game allows us to zoom in, take a look at the body parts so that we can observe the exit wounds. My colleagues do not want to condemn this? It is interesting.

Before the President went to Hollywood, he stood in front of the Nation and he condemned Hollywood. Then he goes to Hollywood and he raises millions of dollars. Then he comes back from Hollywood and he condemns Hollywood.

Republicans stand up here today with the resolution of the gentlewoman from Missouri (Mrs. EMERSON) which, by the way, does not put on more laws, does not create new Federal agencies, and does not create a new movie police force outside there. It calls for peer pressure. It says to the industry they have community responsibility.

We stand up here and express concern, and I am surprised that my colleagues are condemning us for this. Do they have another trip going to Hollywood to raise more money in Hollywood?

Let me tell my colleagues, it is interesting about this game. Do my colleagues know what the company that made this game did for the Democratic National Party? They sent them $10,000, the maximum contribution.

These games are nothing but murder simulators. Do my colleagues know what these games are like? Do they want a comparison? Do they want something to condemn? It is like giving the keys to a drunk driver, giving him the keys to a car knowing he is drunk. That is what they are doing with these games.

I urge the Democrats, I urge them from the bottom of my heart, stand up here today and condemn these games with me.

And do my colleagues know what? The industry has been responsive. Disney Corporation voluntarily, and I commend them, stepped forward and said no more of these games in our facilities. Six Flags stepped forward, no more of these games in our facilities. The City of Denver went throughout their airports, their arcades, and said, get those games out of our arcades.

So the key here, the industry will be responsive. But we have got to be willing to stand up to those people. I am asking the Democrats to put their entertainment bias, whatever, aside and stand up with the Republicans and say, we do condemn these kind of games. We do assess some blame.

Obviously, as the Republicans have stated time and time again, it comes to family responsibility. But there is community responsibility which is a contributing factor.

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

Mr. Chairman, I ask the gentleman from Colorado (Mr. MCINNIS) if he would remain at the lectern and answer questions on my time.

Does the gentleman know the name of the manufacturer of that video game?

Mr. MCINNIS. Mr. Chairman, if the gentleman would yield, I do. It is Interplay Corporation, based out of California. Just for the information of my colleagues, the web site is ''www.kingpin.corpse''.

Mr. BERMAN. Mr. Chairman, reclaiming my time, I say to the gentleman, then offer a resolution condemning the company that produced this game. Do not give a speech talking about the emptiness of condemnations coming out of the White House when the emptiness and broad-brush condemnations coming out of the Congress are no less offensive and perhaps more so.

The fact is that the gentleman sits here and correctly points out responsible actions taken by members of the entertainment industry, whether it is the Disney company in the context of pulling certain shows off, whether it is ABC not showing R-rated movie commercials before 9 o'clock, whether it is the National Association of Theater Owners taking a voluntary rating system that has been in effect for 30 or 40 years and deciding that they are going to ID every single youthful appearing person who comes to a theater to make sure that no one is getting into R-rated movies without parental consent.

Do not condemn a whole industry for the irresponsible actions and products of a specific company. Mr. Chairman, where does this blanket guilty by association broad-based defamation come from? Get specific. Tell us what they do not like and condemn what they do not like.

Do not sweep a lot of good people under this, a lot of people who work in an industry and produce positive products for America. Do not destroy the manufacturer of a digital game like Tetris because they do not like this particular digital game. Start getting specific and meaningful.

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I would like to commend the gentleman from California.

I agree with him. I think it would be despicable to condemn an entire industry for the actions of people. We have got to get to personal responsibility. I am so proud that the Democrats would never condemn an entire industry just based on the actions of people. And I am sure they will not do that when it comes up to the gun issue.

Frankly, when the gentlewoman from Missouri (Mrs. EMERSON) asked me to come here and to talk about this, I said she was not going to need me. This is incredulous. A simple resolution calling on Hollywood to work with the Congress to work with the American people to help families to stave off the violence, not in a condemning way, to ask them to work with us. I told her you are not going to need me.

My colleagues have to be brain dead to oppose this kind of amendment. Anybody who raises children, anybody who is not from some other solar system has got to understand that the impact of violence in the media is harming our children. And so, I appreciate this opportunity.

But think with me, if my colleagues will, some of the things that impact the mind. Has anybody ever seen the bumper sticker ''Visualize World Peace''? Do my colleagues know why that sticker has so much impact? Because before we can realize anything, we have got to visualize it.

Think about the golf videos. I took up golf a couple years ago with my son, and we rent these videos so we can perfect our golf swing because we visualize ourselves on the video taking that perfect swing and then we go out on the golf course and we realize it. Well, the same thing happens when we watch something over and over and over again.

The Bible says, ''As a man thinketh, so is he.'' Unless my colleagues are brain dead or bought off, they cannot disagree with that.

The fact is what we see has a direct impact with what we do. And if we immerse ourselves in it enough, soon we become desensitized. And, no, it does not make us do anything. I am not Flip Wilson saying, ''The devil made me do it.'' But the fact is, the more we see something, the more we become desensitized.

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

Mr. SALMON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I agree with the gentleman. Since all of us are brain alive and have not been bought off, now that we are outraged and we place blame and condemnation, what does the gentleman think else we might want to do today since we are dealing with this juvenile justice bill? Is there something besides just condemning and blaming?

Mr. SALMON. Mr. Chairman, I do not see this as a condemnation. I see this as thoughtful discussion. Because frankly, I think the gentleman would agree, there are no quick-fix solutions. This is a problem within our society that is going to take a lot of hard work, a lot of rolling up our sleeves, a lot of bipartisan work, a lot of work out in the trenches, in the churches, in the neighborhoods, in the families.

Frankly, we ought to look at all options, all options.

□ 1115

That is all I am asking. Let us not close our eyes simply because we want to defend one particular industry.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from California (Mr. BERMAN) has 7½ minutes remaining; the gentlewoman from Missouri (Mrs. EMERSON) has 8 minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and for his leadership in opposing this amendment.

I rise to oppose it, and reluctantly, because of the high esteem that I have for the maker of the motion and for her cosponsors of it.

My colleagues from California are tired of hearing my stump speech when I say to people when they ask me, what are the three most important issues facing our Congress and our country, I always say the same thing: The three most important issues we face are our children, our children, our children. Everything we do should be about their well-being and the future that we are providing for them.

That is why it is very interesting for me today to come to the floor and see this blanketed condemnation of the entertainment industry being discussed on the floor. Certainly in the problems that we have in our country and the challenges that our children face, and in the aftermath of Littleton, Colorado, there is enough blame to go around everyplace. I know it is not the intention of the maker of the motion, but to some this amendment might seem like an attempt to deflect the blame from the gun industry and the easy accessibility of guns to another source of the violence in our country.

As a politician, and I use that word with great pride, I myself am very offended at the way the public in a blanket way condemns us. The gentleman from Arizona (Mr. SALMON) said that we are either brain dead or bought off. I do not think that that was an accurate characterization of anybody in this body on either side of the aisle, but I think that the American people may think that of the Congress, and so when we hear Congress mocked, criticized and condemned for insatiable appetite for campaign funds, we are accused of being bought off across the board, I certainly do not think that they are referring to me or to my colleague, or to any individual in this body. Blanket condemnations really, as they say, all generalizations, are false, including this one.

The condemnation of the entertainment industry, I think, is grossly unfair. Should we look into and do research on the impact of violence in the media on children and how they react to it? Certainly. I think if everybody had the goal in mind that this amendment ostensibly has, the Committee on Rules of this body would have allowed the Obey amendment to be considered on the floor as part of this bill. The Obey amendment, the Obey safe schools amendment, talks about safe schools, healthy students, community action grants to prevent violence, alternative schools for at-risk and delinquent youth, 21st century community learning centers, the National Academy of Sciences study on mental health. We have to be looking into the mental aspects of this as well.

The violence that the industry puts out is market-driven. I think that we must look to all of the root causes of the violence in our society. We must look into the home, we must look into how children's consciences are developed, but we cannot, when we are delinquent in all of the other areas, then decide to make life easy on ourselves by giving a blanket condemnation of the entertainment industry.

I do not want to go into the number of jobs it creates and into what it does for the balance of payments and all that, because if they were doing the wrong thing, even that would not justify it. But I will say that our colleagues should oppose it; however good it sounds, it comes to us at the price of freedom.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume to say to the gentlewoman with all due respect, whom I consider a good friend and for whom I have great respect, there have been a thousand studies in the last 45 years on the issue of violence and its impact on aggressive behavior with children, most all of which have shown a positive correlation.

Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, let me say to the gentleman from California and his colleagues that we appreciate the sincerity of this debate. As my colleagues know, this is an element in society today that we are concerned about, and maybe this is not the best vehicle to correct the problem. But I do want to say, it does not condemn the motion picture industry or the entertainment industry. It does have some very positive language in here.

We recommend that alternatives be developed concerning discouraging the exposure of children to violent subject matter. We do think that industry has been irresponsible, and that could be tightened up. We say we want the entertainment industry to recognize its power and influence over the Nation's youth and their behavior, and we want them to do everything in their power to stop the portrayals of pointless acts of brutality.

So while it is too broad for my colleague, it is not as broad as it has been accused of being. But let me say this. While we are discussing it, positive things are happening. I was in the State legislature in Georgia when we debated a mandatory seat belt law. We debated that for 8 years before it was passed, but during the debate the awareness was heightened, and usage of seat belts went up.

I think as long as we are talking about it, as long as the gentleman from Michigan (Mr. CONYERS) is having hearings about it, we are saying, let us bring this up, talk about it, and let us do it freely. This language has been structured by us to make sure that we do not violate the first amendment. This is an urging kind of thing. And it might be too broad for my colleague, but maybe we should come back and do it as a freestanding resolution that could give us a little more leeway on the language.

In recognition, though, the children are watching 20 hours of TV every week and countless hours listening to CDs, computers and videos and so forth, and we are worried that the influences that they are having from them can be negative. By the time a child is a senior in high school, he or she has seen 200,000 acts of violence on TV and 16,000 murders. Research shows overwhelmingly that there is a measurable increase in aggressive behavior from individuals who have been watching violent TV.

Let me just say to my colleagues, I have young children; actually, not so young anymore, a 16- and a 14-year-old, and the gentlewoman from Texas (Ms. JACKSON-LEE)'s son and mine played together at the bipartisan retreat. But Proximity Mines, a video game, this is how the makers of that game describe it in their own advertisement: A wave of shrapnel that can cut a man off at the knees and slice smaller enemies into a pulpy goo. This is what they are bragging about. Another video game, The Firestorm Cannon, delivers a literal rain of firepower.

Eric Harris and Dylan Klebold, the boys who were the perpetrators of Columbine, they were accomplished players of the video game Doom. Well, now there is a new video game Doom, but Doom II, which the promoter and the manufacturer advertises as being bigger, badder and bloodier than the original; this sequel extends the carnage started in Doom.

It is something that we are very concerned about, as I know my colleagues are concerned. I never thought I would be quoting Marilyn Manson, but Marilyn Manson, whose CD, among other things, on his album, AntiChrist Superstar, has these words: The housewife I will beat, the prolife I will kill. I throw a little fit, I slash my teenage wrist, get your gunn, get your gunn.

Yet, what does he have to say after Columbine? He has to say that the media makes heroes out of Klebold and Harris. Didn't be surprised if people get pushed into believing that these people are idols. From Jesse James to Charles Manson, the media has turned criminals into folk heroes.

There is a broad enough spectrum of philosophy here that we can look into this and not be afraid to talk about it.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Michigan (Mr. CONYERS), our ranking member.

Mr. CONYERS. Mr. Chairman, I want to agree with the gentleman from Georgia (Mr. KINGSTON) and let him know that I think out of this discussion we may be justifying even why we had a sense of Congress resolution in a bill this complex. But I would like to turn my colleagues' attention, as along with the author of this measure, to hearings we held in the Committee on the Judiciary on May 13 on youth, culture and violence, and what a panel it was. Well, there were several panels. But involved were Michael Medved, the film critic; Jack Valenti, President of the Motion Picture Association of America; Dr. Dewey Cornell, professor of clinical psychology, University of Virginia; and we are reproducing these hearings.

What Michael Medved, at the same panel with Jack Valenti, suggested is that we desperately need a ratings, universal rating system to cover all elements of pop culture, a clear and consistent means of labeling movies, television, CDs, video games, so that consumers can make much more informed choices on the marketplace. He said, ''Even Hollywood's most shameless apologists must face the fact that the current situation with ratings and parental warnings amount to a chaotic incomprehensible mess.''

It is from there that I would like to throw this out to the author of the amendment and my friend from Georgia to see if this resonates at all with my colleagues in terms of where we may go from the sense of Congress resolution.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, I think what the gentleman is saying is very important and a very good idea. I think what I want my colleagues to understand is the purpose of this amendment is really to begin the dialogue on this issue. We do not legislate, we do not make any new laws within the resolution, because it is my personal opinion that this is a huge issue that we must address, and what the gentleman is telling us is definitely an important part of that.

Mr. CONYERS. Mr. Chairman, that is exactly where I want to go from here. I want to legislate. I want to make laws. We do not make doughnuts; that is all we have here, and to me these hearings that we have already had provide a very important way for us to move forward.

The CHAIRMAN. The Chair would inform the managers that the gentleman from California (Mr. BERMAN) has 1¾ minutes remaining; and the gentlewoman from Missouri (Mrs. EMERSON) has 4 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, the entertainment industry and the academic community in study after study really documents this problem. There is no disagreement that this is a problem. I think this debate has been helpful today, and what it calls attention to is the interest of the Congress in seeing the industry do something about the facts they have.

We could give all sorts of studies that show that youth violence does increase, aggressive behavior does increase when viewing, or a preference for violent television alone is part of their lifestyle. According to the national television violence study funded by the cable TV industry itself, who really with that report say to the country, we have a problem here, TV violence has continued to grow, since 1994, violence has increased in prime time broadcasts and basic cable programs. They also say that the way TV violence is depicted encourages children toward aggressive behavior. Sixty-seven percent of the programs carried by the network programs in prime time for cable included violence; 64 percent of those programs included violence in the 1996–1997 season. That violence is often glamorized.

As my good friend, the gentlewoman from California (Ms. PELOSI) said, our business here should be about children, and however we solve this, it should be with the best interests of the children in America. According to a 1995 Mediascope study, perpetrators of violence go unpunished 73 percent of the time. The consequences of the violent action are almost never apparent. Thirty-nine percent of the time violence is depicted as part of humor.

The facts can best be changed by the industry itself. That is what the gentlewoman from Missouri's amendment says. The best solution here is not a government solution, if the industry will take their steps to solve this first. This resolution calls on them to do that. I call on them to do that, and I ask my colleagues to include this important resolution in the legislation that we vote on today.

□ 1130

Mrs. EMERSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the mother of four children, and soon to be 8 children actually, I can think of no greater love, no more profound or pure love than that which I have for my children. There is nothing in the world I would not do to protect them to keep them safe. I will do everything in my power to make sure that happens.

This debate, as everyone has so eloquently said, really goes to the heart and soul of this country. It is about the kind of place that we make for our kids and for their children.

I do not think one of us, not as legislators, not as parents, the gun lobby, the entertainment industry, our community leaders, priests, rabbis, ministers, no one, no one can shirk their responsibility and lay the blame at someone else's doorstep and say it is someone else's fault that our kids are killing kids today.

We live in the greatest country in the world and I think we have to all join hands, put aside our political differences and come down and sit at the table and figure out what is wrong in our society today. It is far more important to do this than to play politics. It is far more important than winning elections.

Quite frankly, I am embarrassed. I am embarrassed that we, as the greatest law-making body in the world, would try to make political points with

an issue that is so important and so fundamental to the well-being of our country, and that is the safety and security of our children. I think we should be ashamed of ourselves. We do not need more studies. We do not need more laws. We need to talk. We need everyone at the table. All we are doing with this amendment is asking the entertainment industry to sit down with us.

I will thank my colleagues for their eloquent words, both on my side and their side.

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

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I simply want to say I have a better understanding of the gentlewoman's motivations from the debate and appreciate them. I feel that this would be a better and more appropriate resolution if it focused on the bad actors or, in the alternative, recognized the tremendous good that the industry has brought.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank all of the participants and debaters on this issue. First of all, I want to acknowledge all of us who have come to the floor, and parents, who have the understanding and appreciation for our responsibility. So I thank the gentlewoman for allowing us this debate.

I would simply say this: It is a good resolution to get us discussing the issue, but I would simply say to the gentlewoman that what we can do now is to allow the entertainment industry to come to the table, along with some of the other bad actors, because I think it is equally important that we say to the National Rifle Association that all that they have been promoting is not right and they have not been listening to those of us who have said we have to find a way to cease this violence, this gun violence, these actions on the part of our children.

There are so many variables to helping our children understand that violence is not the way to go, and condemnation can occur. We can do this every day on the floor of the House, but will it bring about results?

I would say to my colleagues, let us go back to our districts and go to the retailers of videos and CDs and ask them voluntarily to meet with us and begin to explain to parents how they should instruct their children when they come in to buy CDs and come in to buy videos, and so we have a voluntary cooperation to stop the violence amongst our children.

I hope that out of this discussion that we will find resolutions and that we will not condemn just a certain industry or certain group, that we will ask all of them to come to the table and work with us to be constructive and get the problems solved.

I would like to submit for the RECORD ''Religious Expression in Public Schools: A Statement of Principles,'' by the Secretary of Education.

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS: A STATEMENT OF PRINCIPLES

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

''. . . Schools do more than train their children's minds. They also help to nurture their souls by reinforcing the values they learn at home and in their communities. I believe that one of the best ways we can help our schools do this is by supporting students' fights to voluntarily practice their religious beliefs in schools. For more than 200 years, the First Amendment has protected our religious freedom and allowed many faiths to flourish in our homes, in our workplaces, and in our schools. Clearly understood and sensibly applied, it works''—President Clinton, May 30, 1998.

DEAR AMERICAN EDUCATOR, Almost three years ago, President Clinton directed me, as U.S. Secretary of Education, in consultation with the Attorney General, to provide every public school district in America with a statement of principles addressing the extent to which religious expression and activity are permitted in our public schools. In accordance with the President's directive, I sent every school superintendent in the country guidelines on Religious Expression in Public Schools in August of 1995.

The purpose of promulgating these presidential guidelines was to end much of the confusion regarding religious expression in our nation's public schools that had developed over more than thirty years since the U.S. Supreme Court decision in 1962 regarding state sponsored school prayer. I believe that these guidelines have helped school officials, teachers, students, and parents find a new common ground on the important issue of religious freedom consistent with constitutional requirements.

In July of 1996, for example, the Saint Louis School Board adopted a district wide policy using these guidelines. While the school district had previously allowed certain religious activities, it had never spelled them out before, resulting in a lawsuit over the right of a student to pray before lunch in the cafeteria. The creation of a clearly defined policy using the guidelines allowed the school board and the family of the student to arrive at a mutually satisfactory settlement.

In a case decided last year in a United States District Court in Alabama, (*Chandler* v. *James*) involving student initiated prayer at school related events, the court instructed the DeKalb County School District to maintain for circulation in the library of each school a copy of the presidential guidelines.

The great advantage of the presidential guidelines, however, is that they allow school districts to avoid contentious disputes by developing a common understanding among students, teachers, parents and the broader community that the First Amendment does in fact provide ample room for religious expression by students while at the same time maintaining freedom from government sponsored religion.

The development and use of these presidential guidelines were not and are not isolated activities. Rather, these guidelines are part of an ongoing and growing effort by educators and America's religious community to find a new common ground. In April of 1995, for example, thirty-five religious groups issued ''Religion in the Public Schools: A Joint Statement of Current Law'' that the Department drew from in developing its own guidelines. Following the release of the presidential guidelines, the National PTA and the Freedom Forum jointly published in 1996 ''A Parent's Guide to Religion in the Public Schools'' which put the guidelines into an easily understandable question-and-answer format.

In the last two years, I have held three religious-education summits to inform faith communities and educators about the guidelines and to encourage continued dialogue and cooperation within constitutional limits. Many religious communities have contacted local schools and school systems to offer their assistance because of the clarity provided by the guidelines. The United Methodist Church has provided reading tutors to many schools, and Hadassah and the Women's League for Conservative Judaism have both been extremely active in providing local schools with support for summer reading programs.

The guidelines we are releasing today are the same as originally issued in 1995, except that changes have been made in the sections on religious excusals and student garb to reflect the Supreme Court decision in *Boerne* v. *Flores* declaring the Religious Freedom Restoration Act unconstitutional as applied to actions of state and local governments.

These guidelines continue to reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech.

At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, of course, school administrators and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches, and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students.

And the right of religious expression in school does not include the right to have a ''captive audience'' listen, or to compel other students to participate. School officials should not permit student religious speech to turn into religious harassment aimed at a student or a small group of students. Students do not have the right to make repeated invitations to other students to participate in religious activity in the face of a request to stop.

The statement of principles set forth below derives from the First Amendment. Implementation of these principles, of course, will depend on specific factual contexts and will require careful consideration in particular cases.

In issuing these revised guidelines I encourage every school district to make sure that principals, teachers, students and parents are familiar with their content. To that end I offer three suggestions:

First, school districts should use these guidelines to revise or develop their own district wide policy regarding religious expression. In developing such a policy, school officials can engage parents, teachers, the various faith communities and the broader community in a positive dialogue to define a common ground that gives all parties the assurance that when questions do arise regarding religious expression, the community is well prepared to apply these guidelines to specific cases. The Davis County School District in Farmington, Utah is an example of a

school district that has taken the affirmative step of developing such a policy.

At a time of increasing religious diversity in our country such a proactive step can help school districts create a framework of civility that reaffirms and strengthens the community consensus regarding religious liberty. School districts that do not make the effort to develop their own policy may find themselves unprepared for the intensity of the debate that can engage a community when positions harden around a live controversy involving religious expression in public schools.

Second, I encourage principals and administrators to take the additional step of making sure that teachers, so often on the front line of any dispute regarding religious expression, are fully informed about the guidelines. The Gwinnett County School system in Georgia, for example, begins every school year with workshops for teachers that include the distribution of these presidential guidelines. Our nation's schools of education can also do their part by ensuring that prospective teachers are knowledgeable about religious expression in the classroom.

Third, I encourage schools to actively take steps to inform parents and students about religious expression in school using these guidelines. The Carter County School District in Elizabethton, Tennessee, included the subject of religious expression in a character education program that it developed in the fall of 1997. This effort included sending home to every parent a copy of the ''Parent's Guide to Religion in the Public Schools.''

Help is available for those school districts that seek to develop policies on religious expression. I have enclosed a list of associations and groups that can provide information to school districts and parents who seek to learn more about religious expression in our nation's public schools.

In addition, citizens can turn to the U.S. Department of Education web site (www.ed.gov) for information about the guidelines and other activities of the Department that support the growing effort of educators and religious communities to support the education of our nation's children.

Finally, I encourage teachers and principals to see the First Amendment as something more than a piece of dry, old parchment locked away in the national attic gathering dust. It is a vital living principle, a call to action, and a demand that each generation reaffirm its connection to the basic idea that is America—that we are a free people who protect our freedoms by respecting the freedom of others who differ from us.the Baptist, the Catholic, the Jew and many others fleeing persecution to find religious freedom in America. The United States remains the most successful experiment in religious freedom that the world has ever known because the First Amendment uniquely balances freedom of private religious belief and expression with freedom from state-imposed religious expression.

Public schools can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all other students. In so doing our public schools reaffirm the First Amendment and enrich the lives of their students.

I encourage you to share this information widely and in the most appropriate manner with your school community. Please accept my sincere thanks for your continuing work on behalf of all of America's children.

Sincerely,

RICHARD W. RILEY,
*U.S. Secretary of Education.*

RELIGIOUS EXPRESSION THE PUBLIC SCHOOLS

Student prayer and religious discussion: The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students therefore have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

Students may also participate in before or after school events with religious content, such as ''see you at the flag pole'' gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation prayer and baccalaureates: Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official neutrality regarding religious activity: Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.

Teaching about religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture) as literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Released time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching values: Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student garb: Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

THE EQUAL ACCESS ACT

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that:

General provisions: Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving Federal funds that allows one or more student noncurriculum-related clubs to meet on its premises during noninstructional time may not refuse access to student religious groups.

Prayer services and worship exercises covered: A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal access to means of publicizing meetings: A school receiving Federal funds must allow student groups meeting under the Act to use the school media—including the public address system, the school newspaper, and the school bulletin board—to announce their meetings on the same terms as other noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum related student groups in a nondiscriminatory matter. Schools, however, may inform students that certain groups are not school sponsored.

Lunchtime and recess covered: A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other noninstructional time during the school day, as well as when it allows students to meet before and after the school day.

Revised May 1998.

List of organizations that can answer questions on religious expression in public schools.

*Religious Action Center of Reform Judaism*

Name: Rabbi David Saperstein, Address: 2027 Massachusetts Ave., NW, Washington, DC 20036, Phone: (202) 387–2800, Fax: (202) 677–9070, E-Mail: rac@uahc.org, Web site: www.cdinet.com/RAC/.

*American Jewish Congress*

Name: Marc Stem, Address: 15 East 84th Street, New York, NY 10028, Phone: (212) 360–1545, Fax: (212) 861–7056, E-Mail: Marc-S-AJC@aol.com.

*Christian Legal Society*

Name: Steven McFarland, Address: 4208 Evergreen Lane, #222, Annandale, VA 22003, Phone: (703) 642–1070, Fax: (703) 642–1075, E-Mail: clrf@mindspring.com, Web site: www.clsnet.com.

*National School Boards Association*

Name: Laurie Westley, Address: 1680 Duke Street, Alexandria, VA 22314, Phone: (703) 838–6703, Fax: (703) 548–5613, E-Mail: lwestley@nsba.org, Web site: www.nsba.org.

*American Association of School Administrators*

Name: Andrew Rotherham, Address: 1801 N. Moore St., Arlington, VA 22209, Phone: (703) 528–0700, Fax: (703) 528–2146, E-Mail: arotherham@aasa.org, Web site: www.aasa.org.

*National PTA*

Name: Maribeth Oakes, Address: 1090 Vermont Ave., NW, Suite 1200, Washington, DC 20005, Phone: (202) 289–6790, Fax: (202) 289–6791, E-Mail: m__oakes@pta.org, Web site: www.pta.org.

*National Association of Evangelicals*

Name: Forest Montgomery, Address: 1023 15th Street, NW #500, Washington, DC 20005, Phone: (202) 789–1011, Fax: (202) 842–0392, E-Mail: oga@nae.net, Web site: www.nae.net.

*Freedom Forum*

Name: Charles Haynes, Address: I 10 1 Wilson Blvd., Arlington, VA 22209, Phone: (703) 528–0800, Fax: (703) 284–2879, E-Mail: chaines@freedomforum. org, Web site: www.__ freed omfo rum. org.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 28 offered by the gentleman from Alabama (Mr. ADERHOLT); amendment No. 29 offered by the gentleman from Indiana (Mr. SOUDER); and amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

**TITLE ___—RIGHTS TO RELIGIOUS LIBERTY**

**SEC. ___. FINDINGS.**

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

**SEC. ___. RELIGIOUS LIBERTY RIGHTS DECLARED.**

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

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 248, noes 180, not voting 6, as follows:

[Roll No. 221]

AYES—248

| | | |
|---|---|---|
| Aderholt | Dooley | Kelly |
| Archer | Doolittle | King (NY) |
| Armey | Doyle | Kingston |
| Bachus | Dreier | Klink |
| Baker | Duncan | Knollenberg |
| Ballenger | Dunn | Kolbe |
| Barcia | Ehlers | LaFalce |
| Barr | Emerson | LaHood |
| Barrett (NE) | English | Largent |
| Bartlett | Etheridge | Latham |
| Barton | Everett | LaTourette |
| Bass | Ewing | Leach |
| Bateman | Fletcher | Lewis (CA) |
| Bereuter | Foley | Lewis (KY) |
| Berry | Forbes | Linder |
| Biggert | Ford | Lipinski |
| Bilbray | Fossella | LoBiondo |
| Bilirakis | Fowler | Lucas (KY) |
| Bishop | Gallegly | Lucas (OK) |
| Blagojevich | Ganske | Manzullo |
| Bliley | Gekas | Mascara |
| Blunt | Gibbons | McCollum |
| Boehner | Gilchrest | McCrery |
| Bonilla | Gillmor | McHugh |
| Bono | Gilman | McInnis |
| Boswell | Goode | McIntosh |
| Boyd | Goodlatte | McIntyre |
| Brady (TX) | Goodling | Metcalf |
| Bryant | Gordon | Mica |
| Burr | Goss | Miller (FL) |
| Burton | Graham | Miller, Gary |
| Buyer | Granger | Mollohan |
| Callahan | Green (TX) | Moran (KS) |
| Calvert | Green (WI) | Murtha |
| Camp | Gutknecht | Myrick |
| Canady | Hall (OH) | Nethercutt |
| Cannon | Hall (TX) | Ney |
| Chabot | Hansen | Northup |
| Chambliss | Hastings (WA) | Norwood |
| Chenoweth | Hayes | Nussle |
| Clement | Hayworth | Obey |
| Coble | Hefley | Ortiz |
| Coburn | Herger | Ose |
| Collins | Hill (MT) | Oxley |
| Combest | Hilleary | Packard |
| Condit | Hobson | Paul |
| Cook | Hoekstra | Pease |
| Costello | Hostettler | Peterson (MN) |
| Cox | Hulshof | Peterson (PA) |
| Cramer | Hunter | Petri |
| Crane | Hutchinson | Phelps |
| Cubin | Hyde | Pickering |
| Cunningham | Isakson | Pitts |
| Danner | Istook | Pombo |
| Davis (VA) | Jenkins | Portman |
| Deal | John | Pryce (OH) |
| DeLay | Johnson (CT) | Quinn |
| DeMint | Johnson, Sam | Radanovich |
| Diaz-Balart | Jones (NC) | Rahall |
| Dickey | Kasich | Ramstad |

Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Carson
Houghton
McKeon
Smith (NJ)
Thomas

□ 1158

Mr. VISCLOSKY and Mr. TOWNS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. RELIGIOUS NONDISCRIMINATION.**

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''RELIGIOUS NONDISCRIMINATION

''SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

''(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.''.

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 346, noes 83, not voting 5, as follows:

[Roll No. 222]

AYES—346

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—83

Ackerman
Allen
Baldwin
Berkley
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Cardin
Clay
Clayton
Conyers

Cummings
Davis (IL)
DeGette
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Horn
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Lee
Lewis (GA)
Lowey
Maloney (NY)
Martinez
McCarthy (NY)
McDermott
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Olver
Pallone
Paul
Payne
Pelosi
Pickett
Rangel
Rothman
Roybal-Allard
Rush
Sanders
Schakowsky
Scott
Serrano
Sisisky
Slaughter
Stark
Tierney
Udall (CO)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wu

NOT VOTING—5

Brown (CA)
Carson
Houghton
Smith (NJ)
Thomas

□ 1208

Mr. DEFAZIO, Mr. HINOJOSA, Ms. BROWN of Florida, Mrs. MCCARTHY of New York and Ms. HOOLEY of Oregon changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.**

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

''SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.''.

RECORDED VOTE

Mr. CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

Mr. CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 223]

AYES—210

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Price (NC)
Pryce (OH)
Rangel
Regula
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Boucher
Brown (CA)
Carson
Houghton
Kolbe
Linder
Smith (NJ)
Thomas

□ 1217

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 33 printed in part A of House Report 106–186.

AMENDMENT NO. 33 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 33 offered by Mr. MARKEY:

At the end of the bill, insert the following:

**SEC. ___. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.**

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to minors, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Markey-Roukema-Barrett amendment is very simple and straightforward. It would require the Department of Justice and the Federal Trade Commission to work together to examine gun manufacturers' marketing efforts towards children.

To effectively combat youth gun violence, we must first understand the factors contributing to the culture of violence. Just as we must examine the role the media and the entertainment industry play in glamorizing gun violence, so too must we investigate the firearm industry's targeting of children.

Advertisements and articles such as this one, which encourage parents to ''Start 'em young,'' and depict children toting guns that would be illegal for them to possess, needs to be closely examined and stopped. This is not unusual. Advertisements aimed at children are utilized by Beretta, Browning and Harrington & Richardson Revolvers, to name a few. They appear on-line in gun catalogues and weapons magazines and appeal to a culture where guns and gun violence are considered acceptable.

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

Mrs. ROUKEMA. Madam Chairman, although I am not opposed to the amendment, I ask unanimous consent to control the time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, 13 young people die each and every day from gun violence, from murder, suicides, tragic accidents. Of course, we have heard about the Littleton massacre. Actually, these statistics shows us that there is one Littleton-size massacre every day in our society.

But I really want to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership here because we pride ourselves in the House that we legislate based on the facts, and that is what the gentleman from Massachusetts, and I and the gentleman from Wisconsin (Mr. BARRETT), a co-sponsor of this amendment, are seeking to do.

This amendment very clearly directs the Federal Trade Commission and the Attorney General to take an in-depth look at the marketing practices of the firearms industry with respect to children.

The gentleman from Massachusetts has outlined it, and he has given a good example about what we are trying to do here. The provision is identical to the action in the Senate. The Senate juvenile justice bill passed by a voice vote back in May, the same provision. It was due to Senators HATCH and BROWNBACK, who are hardly liberal legislators, but they are sensible, common-sense people, who agreed to this.

The marketing of guns to children has become a budding industry in our Nation, shamefully so, I might say. We have seen the examples of advertisements in magazines that are up here, and I am sure the gentleman from Massachusetts (Mr. MARKEY) will reference them later, but I have just one here that I would like to show that graphically illustrates what we are talking about.

This ad ran on the Beretta Web site stating that this new design, on the gun handle and barrel namely, a tie-dyed design is very attractive to young people, and it states, as stated here, ''This is sure to make you stand out in the crowd.'' That is the kind of appeal that they are making to young, innocent people, enticing them to buy an Assault Beretta.

Mr. Chairman, we have been searching for answers for the past 2 days in this House on the epidemic of violence that has plagued our young people, but I think it is too many guns, violent movies, videos, song lyrics, and parents. Well, as far as I am concerned, it is all of the above, but it is about time that we take this action to examine on the facts what is being done to market to our children. We have to help save them from this violence.

We seek to keep guns out of the hands of children, especially those who have a tendency towards violence. I can think of no better way, no more common-sense way for us to get some facts that will guide us in the future to meaningful legislation.

Madam Chairman, I reserve the balance of my time.

Mr. MARKEY. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Chairman, I am pleased to join the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from New Jersey (Mrs. ROUKEMA) in this amendment.

As my colleagues have mentioned, we are asking for a study on the marketing practices of gun manufacturers. As the father of four young children, I want to know if gun makers are targeting kids in an effort to get them interested in guns at a very young age and to guarantee their use as they are growing up.

Madam Chairman, I want to bring to the Members' attention this advertisement for the Harrington & Richardson 929 Sidekick Revolver shown right here. This ad promotes the Sidekick as ''the right way to get started in handgunning,'' and as a ''quality 'first-time' revolver.'' This seems harmless until we realize the ad appears in Insights, the NRA's youth magazine.

This ad clearly illustrates the issue we want to address. It is illegal for anyone under the age of 18 to purchase a handgun, and yet handgun advertisements appear prominently in a publication specifically aimed at those under age 18. We can see from the letters. The young lady here is 14 years old, 15 years old. This is a child's magazine, yet they are marketing handguns to children.

I want to point out that this language was adopted by the Senate last month by a voice vote. So this is a no-brainer. We should adopt this amendment today, and I hope the House will agree to take this very simple and commonsense step.

Mr. MARKEY. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, to show my colleagues how bad this practice is, Senator BOXER made this amendment in the Senate and Senator HATCH accepted it.

These disturbing advertisements and articles bring to mind the all-out assault the tobacco industry made on children through the use of Joe Camel and the Marlboro Man. I think it is wise for Congress to ask the question of whether or not the gun industry, the gun manufacturers, and the NRA are targeting the young children of our country, trying to develop them into a culture of guns and violence, which ultimately manifests itself in crimes or antisocial behavior in our society.

Our amendment is not a panacea. It will not solve all the problems of youth gun violence. It will, however, begin an important dialogue about firearm manufacturers' and marketers' contribution to the high incidence of gun violence and gun deaths among our Nation's children.

Three-quarters of all of the murders of young people in the 26 largest industrialized countries of the world occur in the United States. Three-quarters of all of the murders of the 26 largest industrialized countries occur amongst children in the United States. Does anyone doubt that this kind of advertising helps to perpetuate an atmosphere in which that kind of act is contemplatable? I think not. I think that those who carelessly target the young people of our country with this kind of advertisement must be stopped.

I urge the Members of the House to today embrace this amendment. It is a small but important step in ensuring that the gun manufacturers and the NRA be made accountable for their actions in creating a culture of youth violence within our society.

Madam Chairman, I yield back the balance of my time.

Mrs. ROUKEMA. Madam Chairman, I yield myself the balance of my time to simply comment on the statement of the gentleman from Massachusetts that I think it is callous and irresponsible and totally disingenuous the way they are marketing to our children, and I thank him for his leadership.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 34 printed in part A of House Report 106–186.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 34 offered by Mr. MARKEY:

Insert at the end the following new section:

**SEC. . SURGEON GENERAL REVIEW OF EFFECT ON JUVENILES OF VIOLENCE IN MEDIA.**

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

(1) the tragic killings at a high school in Colorado remind us that violence in America continues to occur at unacceptable levels for a civilized society;

(2) the relationship of violent messages delivered through such popular media as television, radio, film, recordings, video games, advertising, the Internet, and other outlets of mass culture, to self-destructive or violent behavior by children or young adults towards themselves, such as suicide, or to violence directed at others, has been studied intensely both by segments of the media industry itself and by academic institutions;

(3) the same media used to deliver messages which harm our children can also be used to deliver messages which promote positive behavior;

(4) much of this research has occurred in the 17 years since the last major review and report of the literature was assembled by the National Institute on Mental Health published in 1982;

(5) the Surgeon General of the United States last issued a comprehensive report on violence and the media in 1972; and

(6) the number, pervasiveness, and sophistication of technological avenues for delivering messages through the media to young people has expanded rapidly since these 2 reports.

(b) COMPREHENSIVE REVIEW REQUIRED.—The Surgeon General, in cooperation with the National Institute of Mental Health, and such other sources of expertise as the Surgeon General deems appropriate, shall undertake a comprehensive review of published research, analysis, studies, and other sources of reliable information concerning the impact on the health and welfare of children and young adults of violent messages delivered through such popular media as television, radio, recordings, video games, advertising, the Internet, and other outlets of mass culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

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

Madam Chairman, this amendment seeks to update the last two reports prepared under the direction of the Surgeon General concerning what the research tells us about how media affects young people.

The President has called for such a report. In fact, the Motion Picture Association has indicated it does not oppose such a report.

When this proposal was introduced as a bill, it attracted 31 cosponsors, led by the gentleman from Indiana (Mr. BURTON) and proving the bipartisan nature of this need. It has been 17 years since the report by the National Institute of Mental Health in 1982, and 27 years since the Surgeon General's report of 1972.

Both reports focused on television's impact on behavior. But since that time, the capacity of the entertainment industry to deliver ever more graphic depiction of violence has vastly increased, and the outlets for delivering these images to children without the intervention of adults has multiplied many times.

Moreover, the research community and the entertainment and interactive media have produced a vast compendium of research polling and analysis, much of it confusing and conflicting, but which is much more relevant to today's world than when it was studied 15 and 30 years ago.

The last Government-sponsored review in 1982 included the following introductory sentence: ''We must recognize that children are growing up in an environment in which they must learn to organize experiences and emotional responses not only in relationship to the physical and social environment of the home, but also in relationship to the omnipresent 21-inch screen that talks and sings and dances and encourages the desire for toys and candies and breakfast foods.'' This notion is now as quaint as it is obsolete.

Over the last 30 years, we have seen a transformation of the media in the United States. We no longer talk about the 21-inch box. We now have the Internet. We now have a cable revolution with dozens of channels, all of them potentially threats to the well-being of children unless there is proper protections, proper safeguards put into place.

So we call upon the Surgeon General to provide the country with a new Surgeon General's report within 18 months which reflects a contemporary crisis. We hope that all of the Members here on the floor today can embrace, I believe, the need for better public health information about the threat to children in our country.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Chairman, I would just like to have a little colloquy with the gentleman.

I would just like to say that I was going to make some of the same points that my colleague the gentleman from Massachusetts (Mr. MARKEY) just made, but I do not want to be redundant.

I will just say that this is something that is extremely important. As he said, it has been a long, long time since we have had any kind of report or study like this. With the advent of all the new technologies, television becoming so pervasive, the Internet becoming so pervasive, it is extremely important that we in the Congress and the people of this country know where the problems lie. And this report is going to be extremely important in our decision-making process and for the American people.

So I join with my colleague in trying to make sure that this passes with an overwhelming majority. It is the right thing to do, and I do not see why anybody would oppose it.

Madam Chairman, I would like to thank my colleague for taking the initiative on this.

Mr. MARKEY. Madam Chairman, reclaiming my time, only to say that this amendment obviously reflects a long-term concern that the gentleman from Indiana (Mr. BURTON) and I have had for this whole subject area, and I would hope that all of the Members could embrace it today.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does anyone seek time in opposition?

Mr. MARKEY. Madam Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 30 seconds remaining.

Mr. BURTON of Indiana. Madam Chairman, if we need more time, I would be glad to claim the time in opposition. I ask unanimous consent to do that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MARKEY. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

Mr. BURTON of Indiana. Madam Chairman, if the gentleman needs more than 30 seconds, I would be glad to yield him the time.

Mr. BERMAN. Madam Chairman, I thank very much both the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Indiana (Mr. BURTON) for yielding me the time.

I support the amendment. I think establishing the science of the relationship between the depiction of violence and the impacts of media violence are legitimate, are important, and are relevant. And I think both gentlemen have fashioned a proposal that does

this, removes all of the rhetoric on both sides and all of the efforts to point blame, and is an investment in real science.

I hope that the NIH study would review the methodologies and the formulas that have been used by the different researchers, study the different conclusions and different statistical models that could be developed from those formulas. And I think questions that have not even been asked before by private researchers, the questions and the relevance of neighborhood violence and what kind of role that plays in terms of family, in terms of the commission of violence, family situations and their relationship to the root causes of violence, all these things, are a matter for investigation, not anecdote, empirical studies, science, not rhetoric.

I urge the adoption of the amendment.

Mr. BURTON of Indiana. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding.

There is one point I hope that the Surgeon General's study does include, because there is an interesting question out here, the issue of depiction of violence through the media and the commission of violent acts, and the distribution of that same media throughout the world, and the existence of a lower violence rate in many other countries and what are the relationships and what are the reasons.

I think this would be worth pursuing, too, because this becomes a part of the debate on the whole question of media violence and its contribution to violence in our society.

Mr. BURTON of Indiana. Madam Chairman, I yield myself such time as I may consume.

I will conclude by saying that I think the point of the gentleman is well-taken, and I think the gentleman from Massachusetts (Mr. MARKEY) and I will try to ask the Surgeon General to include that in this.

I hope anybody in the media who is watching will realize how serious Congress is about finding out the source of a lot of our problems so that we do not have these problems in the future. And if people in the media and the entertainment industry and other industries that have depicted violence and sexual explicitness on television and in the movies in the years past, if they would just of their own initiative start addressing this problem, it might eliminate some of the action that Congress might have to take in the future.

Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Chairman, thank the gentleman very much for yielding.

Again, I want to thank him so much for all the work which he has done. I want to thank Tamara Fucile on my staff for all the excellent work she has done as well in helping to put all this together.

Mr. BURTON of Indiana. Madam Chairman, I want to thank Matt on my staff for all the work he has done as well.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

RECORDED VOTE

Mr. CONYERS. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 35 printed in Part A of House Report 106–186.

AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 35 offered by Mr. WAMP:

At the end of the bill insert the following:

**SEC. 3. SYSTEM FOR LABELING VIOLENT CONTENT IN AUDIO AND VISUAL MEDIA PRODUCTS.**

(b) LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS.—The Fair Packaging and Labeling Act is amended by adding at the end the following:

''LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS

''SEC. 14. (a) It is the policy of Congress, and the purpose of this section, to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products (including labeling of such products in the advertisements for such products), whereby—

''(1) the public may be adequately informed of—

''(A) the nature, context, and intensity of depictions of violence in audio and visual media products; and

''(B) matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages; and

''(2) the public may be assured of—

''(A) the accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products; and

''(B) the accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages.

''(b)(1) Manufacturers and producers of interactive video game products and services, video program products, motion picture products, and sound recording products may submit to the Federal Trade Commission a joint proposal for a system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products.

''(2) The proposal under this subsection should, to the maximum extent practicable, meet the requirements set forth in subsection (c).

''(3)(A) The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among manufacturers and producers referred to in paragraph (1) for purposes of developing a joint proposal for a system for labeling referred to in that paragraph.

''(B) For purposes of this paragraph, the term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

''(c) A system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products under this section shall meet the following requirements:

''(1) The label of a product or service shall consist of a single label which—

''(A) takes into account the nature, context, and intensity of the depictions of violence in the product or service; and

''(B) assesses the totality of all depictions of violence in the product or service.

''(2) The label of a product or service shall specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service in light of the totality of all depictions of violence in the product or service.

''(3) The format of the label for products and services shall—

''(A) incorporate each label provided for under paragraphs (1) and (2);

''(B) include a symbol or icon, and written text; and

''(C) be identical for each given label provided under paragraphs (1) and (2), regardless of the type of product or service involved.

''(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

''(5) In the case of a product or service that is intended to be viewed, the label shall—

''(A) appear before the commencement of the product or service;

''(B) appear in both visual and audio form; and

''(C) appear in visual form for at least five seconds.

''(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

''(d)(1)(A) If the manufacturers and producers referred to in subsection (b) submit to the Federal Trade Commission a proposal for a labeling system referred to in that subsection not later than 180 days after the date of the enactment of this section, the Commission shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

''(B) Not later than 180 days after commencing a review of the proposal for a labeling system under subparagraph (A), the Commission shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include

such modifications of the proposal as the Commission considers appropriate in order to assure that the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

''(2)(A) If the manufacturers and producers referred to in subsection (b) do not submit to the Commission a proposal for a labeling system referred to in that subsection within the time provided under paragraph (1)(A), the Commission shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (c).

''(B) Any regulations under subparagraph (A) shall be prescribed not later than one year after the date of the enactment of this section.

''(e) Commencing one year after the date of the enactment of this section, a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any interactive video game product or service, video program product, motion picture product, or sound recording product unless the product or service bears a label in accordance with the labeling system issued or prescribed by the Federal Trade Commission under subsection (d) which—

''(1) is appropriate for the nature, context, and intensity of the depictions of violence in the product or service; and

''(2) specifies an appropriate minimum age in years for purchasers and consumers of the product or service.

''(f) Commencing one year after the date of the enactment of this section, a person may not sell in commerce an interactive video game product or service, video program product, motion picture product, or sound recording product to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by the Federal Trade Commission under subsection (d).

''(g) The Federal Trade Commission shall have the authority to receive and investigate allegations that an interactive video game product or service, video program product, motion picture product, or sound recording product does not bear a label under the labeling system issued or prescribed by the Commission under subsection (d) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

''(h) Any person who violates subsection (e) or (f) shall be subject to a civil penalty in an amount not to exceed $10,000 for each such violation. In the case of an interactive video game product or service, video program product, motion picture product, or sound recording product determined to violate subsection (e), each day from the date of the commencement of sale or distribution of the product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (e), and all such violations shall be aggregated together for purposes of determining the total liability of the manufacturer or producer of the product or service, as the case may be, for such violations under that subsection.

Mr. WAMP. Madam Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. STUPAK), the prime sponsor on the Democratic side of this amendment, be granted 10 minutes' time in support of this amendment and that he be able to yield time to Members in support of this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Tennessee (Mr. WAMP) will control 10 minutes, and the gentleman from Michigan (Mr. STUPAK) will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Madam Chairman, are either one of these gentlemen opposed to the amendment?

The CHAIRMAN pro tempore. The Chair has not recognized opposition time at this point.

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

Madam Chairman, this act will create a consistent and comprehensive system for labeling violent content in audio and visual media products, including the labeling of products in the advertisements.

The system will consist of a single label that will inform consumers of the nature, context, intensity of violent content, and age appropriateness of such products. The label will specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service. The label will also include an icon or symbol with written text in plain view of the consumer. In the case of video or motion picture programs, the label with appear at the beginning of the program and last for at least 5 seconds.

The act waives antitrust laws, and the industries are given 6 months to work together in developing a standardized product labeling system. The proposal is subject to modification and final approval by the Federal Trade Commission.

In the occasion manufacturers do not submit a labeling system at the appropriate time, the Federal Trade Commission will devise regulations on its own to establish the labeling system.

The act bans domestic sale or commercial distribution of unlabeled products after 1 year in the event that these things are not met. Further, retailers are required to enforce label restrictions on such products and are subject to a fine of up to $10,000 for failure to do so. Manufacturers and producers who violate the labeling system will be subject to these fines each day for every day the product is in the marketing place.

So my colleagues may ask, why is this necessary? We have heard testimony today that there have been almost a thousand studies since 1971 clearly showing that the violence in mass media products such as video games, movies, CDs is now so outrageous that it is having a desensitization effect, a conditioning effect on the young people of America. And this violence is so prolific that young people who cannot differentiate between fantasy and reality are effectively sitting at video games serving as simulators with killing, splattering, exit wounds.

The promotion is now so outrageous that all we are asking for is not to ban these products, but to have a uniform labeling system, much like we have on food safety products, much like we have on cigarettes, where a label will show a responsible parent what is necessary to make an informed judgment about whether to buy this product or take this product home.

I submitted earlier that Lieutenant Colonel Dave Grossman, in a book called ''On Killing Provocatively,'' shows that the desensitization of human beings today, the act of killing happens over time by desensitization, these magazines' media products clearly are causing this to happen to our children, and pointed to the fact that our soldiers even in war are not inclined to naturally kill each other, that typically species do not kill each other. Even rattlesnakes do not kill each other and humans do not kill each other naturally.

We are asking at this defining moment, what is causing our children to kill each other? What evil is manifesting itself when our children will show up in places like Columbine and actually pull the trigger and kill each other?

□ 1245

I would suggest that one of the primary factors is this desensitization that in large part the mass media, and I know their motives are not such but the fact is it is happening where these video games are having such an adverse effect.

Our soldiers in World War II, only 15 to 20 percent according to studies would actually kill each other, would kill the enemy when they were faced with an enemy. So they took the bull's eye off the firing range and they put a human figure so that the desensitization would begin to happen. They tried to break solders down so that they would ultimately pull the trigger. By the Korean War we got that figure up to 40 percent. By the Vietnam War, technology set in and it got up to 90 percent, so that the soldiers would actually pull the trigger, because it is not human, it is not natural for us to kill each other but they are desensitized, much like a pilot is desensitized through simulation for flight training, much like a driver learns how to drive through simulators. Video games have that same effect on small children. This is a catastrophic thing clearly in our society that we need to do something about. These video games need to at least be labeled.

With that, I look forward to a healthy and honorable debate here.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does any Member seek time in opposition?

Mr. CONYERS. Yes. I do, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 20 minutes.

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

This is an interesting concept here in which we now move the government into the labeling system business and we will now have an all-controlling, omnipotent Federal Trade Commission which will now be directly responsible for the labeling system for video games, movie and sound packages having violent content.

I hope everybody is thinking about what this is going to do in terms of the relationship of the government to commerce in the United States. The Federal Trade Commission has its hands full now. Outside of the Antitrust Division of the Department of Justice, it is the only antitrust division that we have, FTC. So it is with some reluctance that I indicate to my dear friend the gentleman from Michigan (Mr. STUPAK) that this goes a little bit beyond the pale in terms of its overreach. What we are doing is creating a politburo that will move much of the entertainment industry to Washington, D.C. and I think we want to stop and think a minute about what we are doing.

We had an interesting hearing on May 13 on youth and violence. One of the great ideas, and I am not sure if the authors of this amendment are aware, which came out of it was the notion that there ought to be one kind of labeling system for all the entertainment industry. It was advanced by a media critic. It made a lot of sense. At the panel was Jack Valenti himself, representing the movie industry. It is, I think, under active consideration.

What we find is the problem here, instead of trying to see if the entertainment industry will move on our recommendations, is that here we have decided that they are not or they will not or they cannot and we will now do it for them by commanding the Federal Trade Commission to promulgate a government labeling system. This kind of parallels the Hyde amendment that was rejected yesterday. It is a little bit more tailored. But it still is constitutionally suspect because of the vagueness.

Not defining what violence means means that we will be in the courts for quite a long period of time. It is overbroad because it would apply to historical programs and restrict the dissemination of facts. It also may be considered not exactly necessary because the covered industries are using labels and, as I have suggested, they are moving toward even improving them. We have a problem with the V-chip, but I understand from the gentleman from Michigan (Mr. STUPAK) that there may be an amendment that can correct it.

With regard to whether the amendment is premature or not, we are assuming that the entertainment products with violence are automatically harmful to youth and we impose a costly and burdensome labeling system. Might it not be better to wait for the definitive evidence of such links before imposing an intrusive government regulation system? Under the Markey amendment just passed, we decided to have the Surgeon General conduct a study. In another arena we have NIH conducting a study.

So without trying to punt on this, there is the unambiguous scientific evidence that really needs to be brought to bear. I am hopeful that we will consider this with great care.

Madam Chairman, I reserve the balance of my time.

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

My good friend the ranking Democrat on the Committee on the Judiciary has raised a couple of issues I would like to respond to.

Government is already into labeling. This is a label amendment. Government is into labeling. Let me explain. Let us say this is video. Let us say this is music. Let us say this is TV. Let us say this is movies. We have four different packages here and government labels every one of these packages. Everything we consume physically, government labels. On the back of every one of these packages is nutritional facts. It came from the FDA. Every one of them.

What we are saying is whether you are a movie, you are going to have a uniform, consistent standard label so we as consumers, before we consume it, we know what it is. Every one of them, nutritional facts. Every one of them, nutritional facts. Every one of them, nutritional facts. That is what we are asking the entertainment industry to do.

It is suggested that we should wait. For over 30 years the movie industry has been putting forth ratings. They are never the same. They constantly change. There is no enforcement. We have been waiting for over 30 years. Why 30 years ago did they bring up a rating system? Because study after study shows violence, constantly depicted, starting at age 8 makes the impression upon people that it is okay to do what you are seeing on television or what you are listening to in music or what you are seeing in the interactive video games, whatever it may be. In fact, this amendment amends government's Fair Packaging and Labeling Act. That is what we are asking to do in this bill. Government has been labeling and telling us what to do.

What we are asking for, music, video, interactive, television, give us the same, consistent, uniform label. And we let industry determine it. For the first 6 months industry will determine it. As the gentleman from Michigan (Mr. CONYERS) points out, the Federal Trade Commission, FTC, has a right to oversee it. So it is uniform, it is consistent. Yes, we put financial penalties in there if they do not do it, if the producers and distributors do not do it. Why? Because we have been waiting over 30 years.

Madam Chairman, today I am offering my amendment with the gentleman from Tennessee to establish a standardized product, to put a violence labeling system for interactive video games, video programs, motion pictures and music. This is to inform and have a uniform and consistent labeling system which will be a valuable tool before I purchase a video game or music for my sons or let them go to a movie.

I want to thank the gentleman from Tennessee for his hard work on this. It is fair to say we must thank in the other body Senators LIEBERMAN and MCCAIN for their tireless effort in this same area. What we are saying here, we require that the manufacturers of products, whatever they are, put forth a uniform label which tells us what is the nature of the movie, or the music, what is the context, what is the intensity, what is the intensity of the violent content and the age appropriateness for these products.

It requires industry to work together, all of them, music, video games, videos, television, to work together to develop a standardized product. And if they cannot, the FTC is going to do it for them.

The amendment bans domestic sale and commercial distribution of unlabeled products after a year. There are already several different rating systems. Just like these packages, each one is packaged differently. That is what the current ratings system is in this country. We say let us put a uniform label, nutrition facts, nutrition for our mind and for our reviewing. That is what we are asking for, create a uniform and consistent labeling system so every parent and every consumer in this country can identify the product's content.

As I indicated, we have the nutritional labels so a consumer understands what is contained in a product he is about to consume. Why should parents and consumers of video games, movies, television and music not know what is the product before they buy them? We need to provide product information to parents and consumers about the violent content of these products to increase our ability to make informed decisions before we give the products to our children. Ultimately, parents have the responsibility to determine what is suitable for their children, to play on their VCR or what game to play, what to listen to and what to watch. However in this increasingly digital age, parents need to be more informed to make educated decisions and let us make it simple, so they know what it is through this labeling, a uniform, consistent label, not ratings but label throughout all of industry so we do not have to go to the

music CD and look at one thing and try to figure out what it says and go to the video, and see something else in interactive video games.

I urge my colleagues to vote ''yes'' on the Wamp-Stupak amendment.

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

REQUEST TO MODIFY AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I ask unanimous consent that I be allowed to modify the amendment and to explain the modification relative to the V-chip.

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

Mr. BERMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume. What the modification would simply do after consultation with anyone that is concerned about the V-chip issue is to clearly establish with language in the amendment that the V-chip is not affected in any way, shape or form. There is no relationship to this amendment and the V-chip. The labeling system does not even mention V-chip technology. The product label does not interfere with the V-chip in any way. If anything, it provides a supplement to parents who cannot afford to purchase a new television set or set-top box in order to block V-chip programming. The V-chip is a rating system. The Wamp-Stupak amendment is a plain English labeling system. Parents really want common sense English language product content information and no one should be afraid of this particular amendment. As a matter of fact, relative to the V-chip, this is the same bill that was made in order as an amendment that was dropped in the Senate with bipartisan cosponsors, Senator MCCAIN and Senator LIEBERMAN, an original cosponsor, Senator CONRAD, who was the author of the V-chip legislation in the Senate. It has support from Senator LOTT, the majority leader, strong bipartisan support. All the fearmongering about this would affect the V-chip is unjustified.

I really regret that someone objected to our reasonable efforts to make sure in this amendment that their needs were met. They are the ones that asked that we be considerate. We were attempting to do so.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

□ 1300

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Tennessee (Mr. WAMP) for this long-needed legislation.

It is interesting to me to watch two of my friends, the gentlemen from Hollywood, California (Mr. WAXMAN) and (Mr. BERMAN), who have long been real champions of labeling cigarettes with those warning labels, those hazardous-to-your-health labels, and I am sure they think that is a very good idea.

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

Mr. HUNTER. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the Constitution, as far as I know, does not say, Congress shall pass no law abridging the manufacture, the marketing, the distribution or the sale of potato chips or cigarettes.

Mr. HUNTER. Mr. Chairman, reclaiming my time, and just to respond to my friend, there is no constitutional problem with having a label on the movie Natural Born Killers which says to parents, ''This product contains graphic and intense depictions of violence in the context of criminal activity. This product is inappropriate for consumption by minors under 17 years of age.'' In fact, that is an exercise of free speech, that is not an inhibition of free speech.

Mr. Chairman, parents are raising their children in a very dangerous world today with respect to the media and Hollywood and the entertainment industry. In the old days, Roy Rogers, when he was the biggest star in the world for children, never did anything to frustrate parents with respect to their goals of raising children who are honest, who are wholesome, and who have values. They did not have to explain why Roy Rogers did something that was horrible or unusual and that they should not follow.

I was looking at this billboard for Natural Born Killers. This stars people, Woody Harrelson, Juliette Lewis, Robert Downey, Jr., and Tommy Lee Jones, who millions of children throughout the world say, I really like her, or I really like him, and they have developed an affection and an admiration for those people. They have not learned to disassociate what those people do on the screen with the person themselves.

What this does for parents, for parents who are so busy today, often having several jobs, very often the mother and the father both working, many times raising children in single families, this gives them some information. This is supposed to be the information age. This tells them that something is graphic violence or graphic sex, and it allows that mom who is walking out the door whose child is going to go with another child somewhere to watch a movie, it enables them to make a decision and say either you can go or you cannot go.

This Wamp-Stupak legislation empowers parents, and the one thing that we have been afraid to do, apparently because of the enormous pressure and the enormous power of Hollywood, is empower parents. That is what we must do, and if this legislation passes, it will accrue to the benefit of every family in America.

Mr. CONYERS. Mr. Chairman, I begin by apologizing to the now long list of Members that want to speak in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

As the author of the legislation that required food labeling of nutritional information on products, I want to tell my colleagues why this is not the same kind of area where government ought to be involved.

I think we have to be very, very careful when government is going to be involved in intruding itself in the expression of ideas. Do we really want the same label to be on Schindler's List that we would have on Natural Born Killers? Do we want to put a chilling effect on entertainment, on literature, on creativity? I think it is inappropriate for government to do this sort of thing, and I thought it was inappropriate for the V-chip, and it never seems to satisfy people, because there seems to be this great desire to move from one label to the next label to start government censorship, and that is precisely the kind of thing that government ought to restrain itself from doing.

I would hope we would vote against this amendment.

The CHAIRMAN. The Chair would inform the Committee that the time of the gentleman from Tennessee (Mr. WAMP) has expired. The gentleman from Michigan (Mr. CONYERS) has 13 minutes remaining; the gentleman from Michigan (Mr. STUPAK) has 4 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Reluctantly, I have to oppose this amendment. I believe that there are a number of reasons why this is not a good idea. I think, first of all, we have to recognize that all of us believe in labeling. I think every one of the movies that comes out, all of the television shows and so forth should have a label. But that is being done already in a system that is not perfect, but is being done by the industry groups involved.

This legislation, though, would come in and say one size fits all. It would require all of these industry groups to be together on a format, or the FTC would impose a format on them. What is good for country music certainly is not necessarily the same thing that we want for a video game. We have a country music song labeled in the same category with Doom, a violent and graphic game, and that would be totally inappropriate.

I would also think that we would require by this the rerating of hundreds of thousands of existing movies and television programs and so forth, and

that is an enormous task and a very expensive one.

Last but not least, I do not think the proposal is constitutional, unfortunately, and I know it will be discussed a lot more later. The reality is that we have a free speech question here, and if there is not an obscenity standard or something like that, there is no way we can label constitutionally by Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a ranking subcommittee member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I want to reemphasize the point that if we could analogize movies and music and books and television to potato chips and cigarettes, there would be no constitutional impediment whatsoever to government mandating of a rating system, but we cannot. The first amendment is very specific in its protection here.

In the V-chip legislation that we will hear more about later, there were no criminal penalties. There was a voluntary rating system developed by an industry, enforced by an industry, connected to a technology to make it meaningful.

With respect to the voluntary ratings system in the motion picture industry, with the recent decision of the National Association of Theater Owners, we will now find effective enforcement of a very effective rating system. I urge that this well-intentioned, but unconstitutional proposal be rejected.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TANZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, a couple of years ago when ratings for television were discussed and V-chips were discussed, there were bills to do this. For government to step in and establish rating systems, we did the wise thing then, and I ask my colleagues to do the wise thing today. Reject the notion of government ratings.

We took our committee on telecom to Peoria. We took with us Eddie Fritz, we took with us Jack Valenti, the representatives of the movie, cable and the television industries, and we let them meet with parents in Peoria. We let parents talk directly to the industry. Out of it came an industry-agreed-upon ratings system for television that is going to work with the V-chip.

There are ratings right now on video games, ratings on movies. For government to step in and mandate a system would not only offend first amendment rights, it would disturb a very healthy process already going forward with industry and parents and communities around America to set up ratings that we can understand and work with.

The last thing we need to do is have government rerating all that stuff, government interfering with the first amendment in our society. We need more parents to pay attention to what industry is doing to tell them what is in movies, books and videos.

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

Just in response to the last speaker, I just want to say if it worked so well in television, why is not NBC doing the same system? They are not.

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

Mr. STUPAK. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, NBC has its own rating system.

Mr. STUPAK. Oh, really? They do not.

Mr. TAUZIN. Mr. Chairman, if the gentleman will yield, NBC was the one network who felt they were under too much government pressure to adopt a rating system others agreed to. They adopted their own rating systems.

Mr. STUPAK. Mr. Chairman, reclaiming my time, this is the point. If everyone has their own rating system, why can we not put a label so it is consistent, whether it is NBC, CBS, ABC, FX, video games, whatever?

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I am particularly pleased with the feature calling for a uniform system of ratings for video games.

While some media companies have taken action to address this problem, such as Disney, which has removed violent video games from their theme parks, there are many companies that, I believe, are going in the opposite direction, such as the manufacturer of the video game Duke Nukem, advertised on the Internet with the teaser quote: Learn what you can do with pipe bombs, unquote.

The players of this game not only learn to shoot people, but in particular, they learn to shoot women and doing other things that I cannot even speak of on the floor of the House of Representatives.

I do not believe that we can rely on industry to police itself in this arena and that action is necessary, and it is for that reason that I rise in strong support of the amendment.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that the debate be extended by 10 minutes, equally divided, 5 minutes on each side. There are just too many people that need to speak. I know that the House is pressed for time today and that it may be midnight before we finish tonight, but could we please ask the Chair and ask the Members to grant 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee (Mr. WAMP) that he be granted an additional 5 minutes and that the gentleman from Michigan (Mr. CONYERS) be granted an additional 5 minutes?

There was no objection.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I rise in very strong support of this amendment. As a father of five children and as a grandfather, we all know that content labeling is not working. Just watch the television or see a movie and try to figure out PG, PG 13, R ratings. It is not working. We know that the industry will not regulate itself.

I was one of the Republicans that broke with my party several years ago in support of the V-chip. I remember one Member said the answer is for parents to take care of it, and it is. But there are some people that cannot do it. There are some people whose children are home alone. There are some people that need help. It is violent content. Every Member should look at the video, Doom. Every Member should read the article about ''Killology'' that the gentleman from Tennessee (Mr. WAMP) sent around.

This amendment is a good idea. This makes a lot of sense. Sometimes what concerns me is that the powerful interests, the lobbyists that control some of these issues can mislead and say whatever and get us to postpone and postpone.

The Wamp-Stupak amendment will help parents, and, even more importantly, I believe it will save a lot of lives. I strongly urge all Members on both sides to support this amendment by an overwhelming vote.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I have to oppose this amendment as it is drafted, as it is being debated out here on the floor. No matter how many times the proponents say as it is drafted that this does not affect the V-chip, the plain language of the amendment says the opposite. Its purpose, ''is the labeling of violent content in visual media products.'' That is what the V-chip does. We won that vote 3 years ago, and then the industry voluntarily, working with parents' groups, constructed a rating system that every parents' group in America supports.

Now, if this amendment is adopted, it jeopardizes that system. A whole new system would have to be constructed under this amendment.

There are going to be 26 million TV sets purchased in America over the next year with a V-chip in it, and 26 million the year after, and 26 million the year after that, all with the ratings system built in that parents support. If this amendment is adopted, it jeopardizes that, because a whole new system would be put in place and potentially jeopardize all of these new TV sets which will not have a ratings system that is in conformity with something that the government sets up.

So that is why the National Association of Elementary School Principals,

the American Psychological Association, the Center for Media Education, all of them endorse the V-chip and the system that we now have in place.

□ 1315

It is voluntary. It is being built into TV sets today. It works. Parents want it.

If there is some other new system people want to set up, we will go off and try to do that. But for the 6 hours a day the TV sets are on in America, millions of young parents are buying these TV sets. We should not have a new system. This one works. Vote no on the Wamp amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to my friend, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank my good friend for yielding time to me.

Mr. Chairman, the difference between this label and the label on potato chips is that this label has the government judging expressive content, not MSG content—expressive content and ideas. Those are protected under the First Amendment in ways that MSG content are not.

The way this bill was drafted is very dangerous. It says that the FTC is supposed to determine a system appropriate for the nature, context, and intensity of the depictions of violence. Regarding context, consider that Full Metal Jacket and Apocolypse Now were violent films about Vietnam. Saving Private Ryan was a violent film about the Second World War. The Federal trade Commission is asked to comment about violence in context. If we support the war, perhaps the violence is appropriate. If we do not, perhaps the violence is inappropriate. We see why the First Amendment deals with expressive content differently than MSG content.

Lastly, there is a drafting error. The bill has no maximum to the minimum age; let me repeat, no maximum to the minimum age. Turn to page 7 of the bill. A person ''may not sell, in commerce * * * product to an individual whose age in years is less than the age specified as the minimum age * * * for a purchaser * * * of the product * * * under the labeling system * * * prescribed by the Federal trade Commission under subsection (d).''

There is nothing in (d) saying ''minor'' or ''minority.'' There is a reference to ''minor'' in A, the findings section, but that only applies to when the industry does its own labeling. There is thus a huge loophole in this bill of an unconstitutional nature—adult access can be limited.

Let me simply conclude that the bill was poorly drafted, and infringes the First Amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Wamp amendment. We all agree that children should not be exposed to music and movies that depict violence or sexual images. But the answer is not to overregulate industries that are already making positive efforts to police themselves.

The motion picture industry has a well-established rating system for warning parents about the content of movies. The television networks have recently begun a similar rating practice. Parents are increasingly making use of the V-chip to keep harmful material away from their kids, and virtually every major recording company complies with voluntary label warnings on their recording that contain material that is inappropriate for children.

Establishing a labeling system with the muscle of the Federal government at the regulatory helm is not the way to help parents protect their kids. Instead, we should continue to work constructively with the entertainment industry to improve ways for parents to limit their children's exposure to harmful material.

Our number one priority must be to protect our children and empower parents. The Wamp amendment provides the wrong approach. I urge my colleagues to vote no on this amendment.

Mr. STUPAK. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, this is a complicated debate, and I know technology is complicated to the Members in this body. But what we are in effect debating today is that we tell our families across America the sodium content in a bag of pretzels, and we will label that. Why should we not label a video game called Sin that teaches, that rewards, that glorifies, showing our children hour after hour after hour on the computer how to destroy people; minute after minute, hour after hour, week after week?

This is Sin. I have played it. I have pulled it down and looked at it. The more people you kill and shoot, the better one's score.

Mr. Chairman, I understand the argument of the gentleman from California (Mr. CAMPBELL) about movies. Movies may desensitize us to violence, and I think that, quite frankly, the amendment of the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) needs to be improved in that area.

But video games do not desensitize us to it, they glorify it. They reward it. They teach our young people, shoot them again and I will give you 150 more points. And if you shoot their head off, I will give you more points.

This is something that our parents and our families simply need a label on. We are not telling them, have the government take the industry over. We are telling Members in this amendment, try to work together to come up with a voluntary labeling warning for our families.

Some of our parents do not know too much about these games yet. These are new. This industry now on the Internet is a $300 billion industry and growing, and we want to promote the Internet. The Internet has valuable education, resource, and teaching tools, but it also has some dangers.

What we are saying, Mr. Chairman is, maybe Members did not vote for the Hyde amendment yesterday, which went too far.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to give both sides 1 additional minute.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, if Members voted against, as I did, the Hyde amendment yesterday, which goes to the heart of our First Amendment and our freedoms, and if Members intend to vote for the amendment of the gentleman from Massachusetts (Mr. MARKEY) which says let us study this and hopefully do something about it in 5 or 6 or 7 years, and Members may have some qualms about this particular amendment and the way it is drafted, however, it starts to address a growing problem in America about the glorification and the teaching and the instruction of violence to our youngest people.

We just say, if we can label pretzels and salt content, let us just warn with the label, in a voluntary way, with our industry working together, about the violent content of our video games today.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me just speak for a moment in objection to the Wamp amendment. The gentleman from Tennessee (Mr. WAMP) is a wonderful father. I see his son Wesley here all the time, and I know he is concerned for his children, and reasonably so.

But there are labels. This is a label that is on records. There are labels on video games. This one is gauged Teen, and it is larger than the Microsoft logo. They have descriptions entirely appropriate to tell what is in this game: Comic mission, animated violence, real violence, informational, use of drugs, use of tobacco, alcohol, gaming, strong language, animated blood, realistic blood, suggestive themes, mature sexual themes.

They do that. They voluntarily do it by category. That is video games.

Videos, R-rated. Another video, PG–13. There are ratings. The very Members that I got elected with in 1994 that wanted to shrink the size of the Federal Government now want to give added responsibility to the FTC and give them more work to do.

I respectfully request that parents get more involved. These video games just do not show up in their homes in the bedrooms while their children play them, they buy them. They get them at the malls. The parents need to join them in their pursuit and purchase of these games.

We could certainly make a lot of commentary today about violence, and I agree, there are some terrible products out there and there are some terrible shows out there. But I suggest that the Americans can vote with their wallets. America can vote with its pocketbook and say no more shows like Jerry Springer. Let us reduce the ratings of those shows so advertisers no longer advertise and it is taken off the air.

But we should allow this system to work as it is in place. It is working.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment. I think it is deeply, deeply flawed. I am not going to reiterate what has been pointed out by my colleagues that have gone to the heart of the flaws of the amendment.

What I would like to do with my remaining time is to do just a very brief congressional classroom sort of history here. How did we arrive here and begin debating what we are debating? There was a bill that was being sent over from the Senate. It was said by the Speaker that he wanted to bring about something that was reasonable on gun control. I think that this is a bob and weave effort, because the bills have been separated out.

What happened in Littleton and on other high school campuses is really engraved in an inextricable way in the Americans' conscience: That is, America's children running outside of their schools with their hands over their heads because there were students inside of those institutions, inside of those classrooms, that were holding guns to the heads of other students.

So the target in my view, today and in our arguments, in our debates, is what we are going to do about guns. The American people and parents across this country did not ask the Members of Congress to come here and trample on First Amendment rights. They want us to do what the Congress can and should do, and that is stay with the target and control and do something about guns going into our children's hands.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), Chair of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, let me first start off by saying we are all concerned about the violence that has taken place in places like Littleton. We are all trying to find out the causes and effects of those acts of violence.

Many of us believe that one of the major causes is the garbage that our children consume. That is why the V-chip was passed a few short years ago.

After the V-chip, and I want to say that I am sure my colleagues, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) are well-intentioned, and I know we all agree that we have to do something about the violent content we see in the things our kids are consuming.

The fact of the matter is we passed a V-chip a couple of years ago, 3 years ago, and just yesterday we had a news conference where RCA, the Thompson Company, has just produced 200,000 sets with the V-chip in them. There are going to be millions of those sets produced in the next year. People are buying those sets with the intention of blocking out objectionable material they do not want their children to see.

This legislation would hamper those people being able to do that because the parent groups, working with the industry, have worked out a rating system that has been agreed to. They are going to be able to block out that objectionable material. All of that may go out the window if we come up with a new system with labeling involved and everything else, and a lot of these industry people may back out.

What does that mean? The people that bought those TV sets will not be able to block out that objectionable material because there is going to be a new rating system that is not agreed to. That is what we are concerned about.

I think everybody in this body, everybody in the other body, wants to make sure that we stop the horrible things that are happening in this country, the violence and the things our kids are consuming that is really causing a lot of that. But the way to do it is to do it in a different way than we are talking about today. We should not be doing anything that is going to impede the progress of the V-chip and blocking out of objectionable material, which this would do. If we are going to do it, let us do it a different way.

□ 1330

I tried working with the gentleman from Tennessee (Mr. WAMP) last night, and the gentleman from Massachusetts (Mr. MARKEY) to try to come up with a compromise. We were not able to work it out in that short period of time but we will continue to work with them to try to block objectionable material in the future, but let us not mess with the V-chip or the current system we have.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. I think all of us are trying to strike a balance. We are trying to strike a balance between protecting our children and at the same time protecting our first amendment and protecting the Constitution.

I oppose this amendment because I do not think we have achieved that balance that is going to allow us to achieve both objectives.

I come to this conclusion because what we are trying to do is something that I think is almost impossible, by asking people who are manufacturing records and motion pictures or video games to come together and try to identify one standard that can determine what is something that is very nebulous in terms of what is too violent for our children, what age should children be able to view this material without suffering any undue harm; and it even goes beyond that in infringing upon our constitutional rights because it will inevitably result in the Federal Government setting that standard, which I fear can be characterized as nothing other than censorship.

We need to indeed try to protect our children from violent depictions, but I also think that we have to come to grips, as I think I have with my own family, that that is a responsibility of myself and my wife. I have two daughters who are now in high school, a senior and a sophomore. I admit that they probably have seen violent depictions, but it did not encourage them to go out and murder people or commit acts of violence because they had been embedded with the values which are important to my family and to our community and knew how to respond to that.

I do not think that we need to have our Congress putting in place crutches that are not as important as our families becoming stronger and spending the time with their children to ensure that they embrace the valves of all of us.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, there was a time when it seemed that the TV and the radio were guests in our homes. Now sometimes I think they are intruders, bringing in messages that sometimes undermine the values that we want to impart to our kids. So I fully understand the frustration of my good friends from Tennessee and Michigan that really was the origin, I think, of this well-intentioned amendment.

However, I am afraid that it is going to be counterproductive to our effort to really give parents the tools to get control of these electronics in their home. There was lots of work, compromise, many hours put in to bringing the V-chip legislation to a reality. Now, in just two weeks V-chip televisions are going to be available on the market for parents so they can get control in their

own homes. For that reason, I encourage my colleagues to give this legislation, the V-chip legislation and these TVs, a chance to work and to allow parents to have those tools in their homes.

For that reason, I reluctantly oppose this amendment but understand my good friends' frustrations and hope that we can bring their frustrations and this other work together to give parents more tools. This is just the wrong way to do it.

Mr. WAMP. Mr. Chairman, I reserve the right to close.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close as a member of the committee defending the committee position.

The gentleman from Tennessee (Mr. WAMP) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes remaining.

Mr. WAMP. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Tennessee (Mr. WAMP) for yielding me this time.

I would like to bring up two points. We offered an amendment to take care of the V-chip technology, the bogus argument that is being made. Our amendment said it would be absolutely clear that there can be no interoperability requirement with the V-chip requirement. In other words, we want to work with the V-chip and by standardizing the label it will be easier. We offered the amendment. They objected because it is the only ground they could object on the value of our amendment and what we are doing here today.

This is not a rating argument. So then the other argument they brought up is, well, it is a first amendment right. The courts have constantly ruled, and we checked with CRS, although not binding they certainly give us legal guidance and they said there is a compelling State interest to protect the welfare of children.

Government has that right to protect children when there is a compelling state interest. Much like tobacco, much like alcohol, it extends to commercial media products. That is why this is not unconstitutional. That is why it is not in violation of the first amendment. It will not violate the V-chip. Those are bogus arguments. We had the amendments to correct those concerns. They refused to allow us to offer it.

Mr. WAMP. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there are some labels. Most of them are stickers. They come right off on the label. They are not on the product itself. When one takes the package off, they are gone. Some do; some do not. We just ask for a uniform labeling system.

I find it extraordinary that most of the people that are opposing this today are from the State of California or they have some vested interest in legislation that might compete with this.

I do not think so. We have made that clear. But I am not going to defend the entertainment industry because I do think, as Ted Turner said 2 weeks ago, there is a responsibility in the mass media to decrease the amount of violence and this is a common-sense approach to that problem.

One of my predecessors in this House, Estes Kefauver, in 1954, he held hearings in the Senate on whether or not comic books contributed to juvenile delinquency. Today, the comic books of the nineties are video games, folks, and the juvenile delinquents of the 1990s can oftentimes be found behind the barrel of a gun.

These products should be labeled, uniform labeling. It makes common sense. They are going to say free speech.

These are products. This is not art and expression. These video games are a product of market research. Open up one of those PC magazines and see how someone can download the blood splattering. It is gross. It is awful.

Our kids are being filled in the head with poison. We label the food that is bad for them but we are not going to label the poison that goes in their head with a common-sense labeling? This does not violate first amendment rights. Good gracious. It just says, be responsible as an industry. Children are killing children.

I have had enough of it. I am going to side with parents today. I am going to side with children today; not some big special interest with a bunch of money that has been working all week to kill good common-sense legislation.

The family groups have come out today in support of this amendment. Responsible people would support this common-sense approach. I ask my colleagues not to vote with the big fat cats and the special interests. Vote with parents that need to make informed decisions, need to just be able to look. It is the same thing we do with food. It is the same thing we do with cigarettes. Some of the people that have opposed us today wanted the labeling on cigarettes, but what about brutal violence that clearly contributes to the rise in youth violence and killing in America today? It is unequivocal. Nearly a thousand studies document it.

Is the House going to respond or is the House going to sweep this under the rug? I urge support for the Wamp-Stupak amendment.

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

Mr. Chairman, I only wish that my friend the gentleman from Michigan (Mr. STUPAK) had brought this to the House Committee on the Judiciary where we could have had the kind of discussion that probably would have been more helpful. I hope that we do. This deserves a hearing. The subject is not going away, regardless of the outcome and disposition of the measure today.

I must say, I am looking at a series of Supreme Court decisions that make two things clear. One, mandatory labeling will be viewed by the Court to constitute a system of unconstitutional prior restraints, the very type most disfavored under the first amendment, and I have three cases to cite.

Secondly, the prior restraints, like mandatory labeling, are viewed as censorship and, as such, and a couple more Supreme Court cases, it will not work.

I wish I could say something different. So I want to make sure that we appreciate the constitutional question and the impracticability of an amendment that would cost billions of dollars for the Federal Government to administer and would probably be pretty difficult to enforce.

This proposal will create a fairly large size bureaucracy and enforce a labeling system for all audio and visual media products. It would create an agency that would be tasked with reviewing over 600 motion pictures every year, at least 500 videos and digital video disks that come into the marketplace, and thousands of sound recordings released each year.

Believe me, this is not a subject matter that can be legislated from the floor of the House of Representatives in a committee setting. We need to refer this to the Committee on the Judiciary and any other appropriate committee, and then bring it forward. I would be delighted and I continue my commitment to work on a workable and effective resolution of the labeling problem in the entertainment industry.

Unfortunately, this solution I cannot support.

Mr. MORAN of Virginia. Mr. Chairman, I rise to oppose this amendment.

Let me first say that I applaud the intentions of my colleagues in offering this amendment. I share their concern about excess violent programming and the effect it has on our children. I also agree with them that parents should have more information and not be confused about the meaning of various rating systems between TV, movies, video games and music.

However, as a strong proponent of the V-chip, I am opposed to this amendment.

This amendment could easily destroy the rating sytem that the entertainment industry negotiated with parents groups to work with the V-chip. The V-chip allows parents to control the programming viewed by their children. It works with the TV Parental guidelines developed by the television industry and child advocacy groups.

If the TV ratings system is changed, parents will find that they can no longer block violent programming on their TV sets.

Because of the very problems that the authors of this legislation are concerned about, Congress passed the V-chip law in 1996. This law requires TV manufactures to meet a deadline of incorporating the V-chip into 50 percent of TV's sold in America in the next two weeks. They are on track to not only do this but to also comply with the 100 percent V-chip deadline of January 1, 2000.

If the government steps in to mandate a new rating system after these various industries have begun labeling their products on a voluntary basis, all the progress that has been made to date would be erased.

The historic V-chip rating system agreement was reached between the National PTA, the American Academy of Pediatricians, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals and the Motion Picture Association, the National Cable Television Association and the National Association of Broadcasters.

When we passed the V-chip, we agreed to forbear further legislation in this area until it was given time to work. This amendment would undo all of this progress. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote and will be followed by one 5-minute vote on amendment No. 34 offered by the gentleman from Massachusetts (Mr. MARKEY).

The vote was taken by electronic device, and there were—ayes 161, noes 266, not voting 7, as follows:

[Roll No. 224]

AYES—161

Aderholt
Bachus
Barcia
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Brady (TX)
Bryant
Burr
Callahan
Cannon
Cardin
Castle
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Costello
Crane
Cubin
Danner
Deal
DeFazio
DeLay
DeMint
Dickey
Doyle
Duncan
Ehlers
Emerson
Etheridge
Everett
Ewing
Fletcher
Forbes
Franks (NJ)
Frelinghuysen
Gekas
Gilchrest
Goode
Goodling
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Holden
Holt
Horn
Hunter
Hyde
Jenkins
Jones (NC)
Kaptur
Kelly
King (NY)
Kleczka
LaHood
Largent
LaTourette
Leach
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McHugh
McIntosh
McIntyre
Mica
Miller, Gary
Minge
Myrick
Norwood
Nussle
Obey
Ortiz
Pascrell
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rodriguez
Roemer
Rogers
Rothman
Roukema
Ryun (KS)
Salmon
Saxton
Sessions
Shadegg
Shays
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stupak
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thornberry
Tiahrt
Traficant
Turner
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Bliley
Blumenauer
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Campbell
Canady
Capps
Capuano
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Green (TX)
Gutierrez
Hastings (FL)
Hastings (WA)
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Olver
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pombo
Portman
Quinn
Rangel
Reyes
Reynolds
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Simpson
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Walden
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wu
Wynn

NOT VOTING—7

Brown (CA)
Carson
Houghton
Mollohan
Rahall
Smith (NJ)
Thomas

□ 1404

Messrs. JENKINS, ETHERIDGE, COOK, WISE, COSTELLO, BOEHLERT, FORBES, and HAYWORTH changed their vote from ''no'' to ''aye.''

Mr. Herger and Mr. Gutierrez changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on subsequent amendments on which the Chair has postponed further proceedings.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 8, as follows:

[Roll No. 225]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Barr
Berkley
Bonilla
Goode
Hulshof
Paul
Peterson (MN)
Shadegg
Stump

NOT VOTING—8

Brown (CA)
Carson
Houghton
Mollohan
Nussle
Rahall
Smith (NJ)
Thomas

□ 1413

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 36 printed in Part A of House Report 106–186.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 36 offered by Mr. GOODLING:

Page 1, after line 2, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Juvenile Justice Reform Act of 1999''.

Page 1, strike line 3 and insert the following:

**TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS**

**SEC. 101. SHORT TITLE.**

Page 1, line 4, strike ''Act'' and insert ''title''.

Page 2, line 1, redesignate section 2 as section 102.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION**

**SEC. 200. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.
SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.
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**Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974**

**SEC. 201. FINDINGS.**

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

''(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.''.

**SEC. 202. PURPOSE.**

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

**SEC. 203. DEFINITIONS.**

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9) by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B) by striking '', of any nonoffender,'',

(6) in paragraph (13)(B) by striking '', any non-offender,'',

(7) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

**SEC. 204. NAME OF OFFICE.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'',

(2) in section 201(a) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(3) in subsections section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

**SEC. 205. CONCENTRATION OF FEDERAL EFFORT.**

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

**SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

**SEC. 207. ANNUAL REPORT.**

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' after ''priorities,'', and

(B) by striking '', and recommendations of the Council'',

(2) by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.'', and

(3) by redesignating such section as section 206.

**SEC. 208. ALLOCATION.**

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

**SEC. 209. STATE PLANS.**

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking ''justice'' and inserting ''crime control'',

(iv) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222'', and

''(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'',

(II) by striking ''justice'' the second place it appears and inserting ''crime control'', and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'',

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking ''juvenile justice'' and inserting ''juvenile crime control'',

(iv) by amending subparagraph (D) to read as follows:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'',

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'',

(v) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'',

(vi) by amending subparagraph (G) to read as follows:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'',

(vii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(viii) by amending subparagraph (K) to read as follows:

''(K) boot camps for juvenile offenders;'',

(ix) by amending subparagraph (L) to read as follows:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'',

(x) by amending subparagraph (N) to read as follows:

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;'',

(xi) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

''(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

''(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co±located facilities have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile—

''(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

''(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

''(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

''(v) detaining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

''(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

''(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) in paragraph (22) by inserting before the semicolon, the following:

''; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency'',

(P) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(Q) by amending paragraph (24) to read as follows:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

''(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.'', and

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'', and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (23) of subsection (a)''.

**SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

**''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM**

**''SEC. 241. AUTHORITY TO MAKE GRANTS.**

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(8) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet

the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

''(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

''(20) other activities that are likely to prevent juvenile delinquency.

**''SEC. 242. ALLOCATION.**

''Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

**''SEC. 243. ELIGIBILITY OF STATES.**

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

**''SEC. 244. GRANTS FOR LOCAL PROJECTS.**

''(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

''(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

''(1) propose to carry out such projects in geographical areas in which there is—

''(A) a disproportionately high level of serious crime committed by juveniles; or

''(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

''(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

**''SEC. 245. ELIGIBILITY OF ENTITIES.**

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

**SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

**''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING**

**''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION**

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence;

''(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

''(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

''(ix) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES..—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

**''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.''.

**SEC. 212. DEMONSTRATION PROJECTS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

**''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS**

**''SEC. 261. GRANTS AND PROJECTS.**

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

**''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

**''SEC. 263. ELIGIBILITY.**

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

**''SEC. 264. REPORTS.**

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

**SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

**SEC. 214. ADMINISTRATIVE AUTHORITY.**

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

**SEC. 215. USE OF FUNDS.**

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'',

(B) in paragraph (1) by inserting ''may be used for'' after ''(1)'', and

(C) by amending paragraph (2) to read as follows:

''(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

**SEC. 216. LIMITATION ON USE OF FUNDS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

**"SEC. 299F. LIMITATION ON USE OF FUNDS.**

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

**SEC. 217. RULES OF CONSTRUCTION.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

**"SEC. 299G. RULES OF CONSTRUCTION.**

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

**SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

**"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

**SEC. 219. ISSUANCE OF RULES.**

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

**"SEC. 299I. ISSUANCE OF RULES.**

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

**SEC. 220. CONTENT OF MATERIALS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

**"SEC. 299J. CONTENT OF MATERIALS.**

''Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''.

**SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

**SEC. 222. REFERENCES.**

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

## Subtitle B—Amendments to the Runaway and Homeless Youth Act

**SEC. 231. RUNAWAY AND HOMELESS YOUTH.**

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

**''SEC. 313. APPROVAL OF APPLICATIONS.**

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

**''SEC. 341. COORDINATION.**

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

**''SEC. 345. STUDY**

''The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

''(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

''(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.''

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

**''SEC. 381. REPORTS.**

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

**''SEC. 386. EVALUATION AND INFORMATION.**

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 384; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

**''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

**''PART E—SEXUAL ABUSE PREVENTION PROGRAM**

**''SEC. 351. AUTHORITY TO MAKE GRANTS.**

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

**''SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

''With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

**''SEC. 387. DEFINITIONS.**

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

**Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs**

**SEC. 241. REPEALER.**

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

**Subtitle D—Amendments to the Missing Children's Assistance Act**

**SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from

50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2003''.

## Subtitle E—Studies and Evaluations

### SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

### SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted

under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

**SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

**SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.**

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

**SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.**

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

**Subtitle F—General Provisions**

**SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: ''A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, the Committee on Education and the Workforce has the responsibility in this legislative process to provide the rehabilitative and the preventive efforts in relationship to juvenile delinquency, juvenile crime. The amendment I am offering today complements and completes H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. The amendment provides a prevention component of a sound two-prong approach to addressing juvenile crime, accountability and prevention. The success of one depends on the success of the other.

The amendment was based on legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD), the Juvenile Crime Control and Delinquency Prevention Act. This legislation was reported by the Subcommittee on Early Childhood, Youth and Families on April 22, 1999.

□ 1415

Mr. Chairman, the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Early Childhood, Youth and Families, the gentleman from Pennsylvania (Mr. GREENWOOD), ranking minority member, the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) deserve a great deal of credit for all the time they spent in crafting a thoughtful bill to address a very difficult problem.

I would also be remiss if I did not thank the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Colorado (Mr. TANCREDO), the gentleman from Indiana (Mr. SOUDER), the gentleman from Tennessee (Mr. FORD) and the gentleman from California (Mr. MILLER) for their efforts to work with us in putting together a bipartisan bill.

Last, but not least, I would like to thank the gentleman from California (Mr. MARTINEZ), who helped craft the original version of H.R. 1818, which passed the House last Congress. And, of course, I would be remiss if I did not thank the staff on both sides for the hours of work that they put into this.

As I have noted, several Members have played a key role in the development of this legislation. For example, the amendment allowed the use of funds in both the formula grant program and the prevention block grant program for after-school programs. There is also a study on after-school programs.

The gentleman from Delaware (Mr. CASTLE), who is a strong supporter of after-school programs, crafted these provisions. Funds may be used for programs directed at preventing school violence. In addition, the Prevention Block Grant includes language allowing local grantees to use funds for a toll-free school violence hotline. The gentleman from Colorado (Mr. TANCREDO), who represents Littleton, Colorado, is the author of that provision.

The amendment I am offering today also includes several provisions dealing with the delivery of mental health services to youth in the juvenile justice system. These provisions include allowing the use of funds in the formula in the block grant programs for mental health services, training and technical assistance for service providers, and a study on the provision of mental health services to juveniles.

The gentlewoman from New Jersey (Mrs. ROUKEMA) is responsible for that legislation, along with the gentleman from California (Mr. GEORGE MILLER).

During the 105th Congress, as I indicated before, we passed this legislation. In fact, we passed legislation twice. At the present time, the major purpose of our amendment is to prevent juvenile crime in the home, in our communities, and in our schools.

The amendment offered today would streamline the current Juvenile Justice and Delinquency Prevention Act, provide greater flexibility to States and local communities in meeting the four core requirements, and consolidate existing discretionary grant programs into a flexible prevention block grant to the States, demanding quality in return for that effort.

Mr. Speaker, throughout the United States, communities are struggling to develop programs to address juvenile delinquency. But no two communities are alike, and solutions must be tailored to fit the needs of local communities. And that is what we have done in this legislation.

Finally, the amendment would provide for the authorization of programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act.

I want to emphasize the fact that there is language here that deals with those who would get overzealous when they are writing curriculum, and it makes very, very clear that when they do that, they do not interfere with one's religious beliefs.

That language says, ''Materials produced, procured, or distributed using funds appropriated to carry out this act for the purpose of preventing hate crimes should be respectful of the diversity of deeply-held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Missouri (Mr. CLAY) seek to control the time in opposition?

Mr. CLAY. Mr. Chairman, I would like to control the time, and I ask unanimous consent to turn the control of the time over to the gentleman from Michigan (Mr. KILDEE) after I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) will control 45 minutes.

Without objection, the gentleman may yield to the gentleman from Michigan (Mr. KILDEE) to control the remainder of the time.

There was no objection.

Mr. CLAY. Mr. Chairman, I rise in support of the Goodling amendment.

This amendment reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. In reauthorization of this 25-year-old act, the amendment retains the four core protections, including the fundamental tenet of the juvenile justice system, that juvenile delinquents shall not be jailed with adult criminals.

In addition to retaining the core requirements, the amendment contains a new juvenile delinquency prevention block grant program. It provides funds to be used for mentoring, for family strengthening programs, for training and employment programs, for mental health services, and other initiatives designed to prevent juvenile delinquency.

The amendment also strengthens the mandate requiring States to reduce the disproportionate number of minorities confined in jails and other secure facilities. States are required to reduce minority overrepresentation by addressing both the lack of prevention programs in minority communities and by addressing racial bias within the juvenile system.

I would like to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their many hours of negotiations and their determination to place substance over politics and produce fair and effective juvenile prevention legislation.

Unfortunately, the Republican leadership has short-circuited the legislative process and are shortchanging the American people.

This is a good amendment, Mr. Chairman. It could have been better. Instead, to appease the right-wing family groups, the Republican leadership has insisted on weakening programs under the act aimed at preventing hate crimes. Politics again rears its ugly head when the Republican leadership prevents meaningful provisions dealing with juvenile gun possession.

Mr. Chairman, despite the shortcomings, this amendment includes thoughtful, effective crime prevention measures that will give juveniles real alternatives. We cannot afford to toss our troubled juveniles into jail and throw away the key. We must intervene first with the strong and flexible prevention measures that this amendment provides.

I support this amendment, and I encourage my colleagues to vote ''yes'' on the amendment

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

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Delaware (Mr. CASTLE), the subcommittee chair.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce very much for yielding me the time.

Mr. Chairman, I also thank all those who worked on this legislation, particularly the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) who did so much good work on it.

Just a few months ago, reports of school violence dominated the national media and focused our attention on the small suburban communities of Springfield, Paducah, Edinboro, Littleton and Jonesboro.

In the wake of these tragedies, men, women, and children across the country joined together and called upon their elected officials to help stem the tide of violence in their schools and their communities.

What followed was a rush of legislation, from guns and video games to parental involvement and school prayer. Everything was on the table. After much discussion, we came to understand that no one approach would have prevented the episodic violence in these schools.

Eventually, cooler heads prevailed, and we realized that a balanced approach, one that incorporated the best ideas of each of these proposals, was our greatest hope to ensure that our schools would never again be a place of death and violence.

As part of this effort, I am pleased to rise in strong support of the juvenile crime prevention amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

This amendment is a product of extensive negotiations between Members on both sides of the aisle, and I am pleased that it comes to the floor with bipartisan support, thanks in large part, as I already mentioned, to the efforts of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT).

This amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local levels by people who understand the unique qualities of the youth in their neighborhood. I believe it goes a long way toward providing State and localities the necessary flexibility to address the problems associated with juvenile crime in their communities.

This amendment also acknowledges that intervention and prevention, such as educational assistance, job training, and employment services programs, are effective tools in reducing and preventing juvenile crime.

In this era of dual-income families, roughly 5 million kids return to an empty house when the school day ends. It is not surprising, then, that juvenile crime increases by 300 percent after 3 p.m. Those that are not engaged in delinquent behavior are sitting, in many cases, in front of the television, the baby-sitter of choice for millions of latchkey kids.

Recent studies have confirmed what we have intuitively known about after-school programs. These programs, such as the athletic or mentoring programs offered by the YMCA and Boys' and Girls' Clubs of America, give our most at-risk children a positive alternative to television, drugs, alcohol, sexual activity and crime.

There is no doubt about the importance of these programs. But our after-school providers and participants need better access to information about the current range of programs and industry ''best practices.''

For this reason, I am especially pleased that the Goodling amendment incorporates my language to require the GAO to undertake a study to help us better understand the values of after-school programs and the barriers to providing these important services.

In addition, the Goodling amendment underscores the importance of these programs by allowing the States to use prevention funds to extend the reach of our after-school programs. As we all know, even children who enjoy the advantages of caring parents and good schools can just as easily go astray as those that who are disadvantaged.

For all of those reasons, I urge all of us in this House to support this amendment for the benefit of all the children in our country.

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

Mr. Chairman, the Goodling amendment has been the product of over 4 years of work between the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Virginia (Mr. SCOTT), the gentleman from California (Mr. MARTINEZ), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. GREENWOOD) and myself. It is a product of very extensive negotiation and will gain my support today.

Mr. Chairman, this amendment will provide a much-needed focus on both protection of juveniles in the system and prevention aimed at reducing juvenile delinquency.

The amendment strengthens the important protections provided by the four core mandates in the act. It maintains the protections of sight and sound separation, the reduction of disproportionate minority confinement, and the special consideration of status offenders and adult jail removal, while at the same time deals with the real-life difficulties of dealing with juvenile offenders.

The other critical aspect of this bill is the creation of the Prevention Block Grant, the contribution of the gentleman from Virginia (Mr. SCOTT). The Prevention Block Grant in this legislation sends a strong message that program funds should be used for primary prevention, prevention efforts for those who have yet to encounter the justice system.

This type of focus can save so many of our young people from falling prey to the temptations of violence and destructive activity and is a much-needed component in our efforts to combat juvenile crime.

In closing, I want to recognize the leadership of both the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) on this legislation. I believe that their efforts have taken last Congress's bipartisan reauthorization bill and improved what was already a good product. I personally thank them for their hard work and their close cooperation.

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

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in support of the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of our Committee on Education and the Workforce. I want to commend he and members of his committee for working diligently on this proposal.

While H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, addresses some of the factors that contribute to juvenile crime, this bill does not address ways in which we can work together to create solutions to this growing problem.

Almost everyone agrees that the majority of juvenile crime occurs daily between the hours of 3 to 7 p.m., when schools let out and children are left unsupervised while parents are still at work. Just to make ends meet, most parents have to have two or three jobs. These families need our help, and this amendment does just that.

This bill mirrors my own legislation, H.R. 1430, the Caring for America's Children Act, which provides our Nation's children with substantial after-school programs designed to help our children make a successful transition from child to adult life and keep at-risk children from choosing violent acts over unsupervised activities.

□ 1430

Empty hands too often lead to crime, but give children something to do with those hands and the number of crimes dramatically drop when an afterschool program is in place, such as sports, the arts, delinquency prevention, tutoring and academic enrichment, literacy, counseling, drug and alcohol abuse prevention, parenting skills, all keys to preventing juvenile crime. If parents are unable to supervise their children, schools and local youth groups that provide care for children during non-school hours are the next best thing.

This amendment also provides funding for the establishment and maintenance of a school youth violence hotline which will provide children with a way in which to anonymously inform officials of violent crimes that may be committed. Many students are aware of criminal acts before they happen but too often are afraid to come forward for fear of being the victim of an attack.

Accordingly, I am pleased to strongly support passage of this amendment as it is one of the few amendments that actually focuses on true juvenile crime prevention. Accordingly, I urge my colleagues to support the Goodling amendment.

Mr. KILDEE. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. SCOTT) who has made an enormous contribution to this bill.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time. As many of my colleagues are well aware, I have been actively involved in this issue of juvenile crime on both the Committee on Education and the Workforce and the Committee on the Judiciary. From the outset of this discussion I have said that Congress has a decision to make in combating youth violence, that is, we can play politics or we can reduce juvenile crime. As someone who has spent many hours in this effort along with the gentleman from Pennsylvania (Mr. GREENWOOD), I am proud to say that the Goodling amendment reflects a fair and effective legislation rather than a desire to play politics by codifying soundbites. This legislation reflects the commitment to reducing crime by funding proven crime prevention programs.

I am also proud to say that this legislation is sound policy, because it is the result of a deliberate and intelligent process in which we carefully considered the evidence in search of real solutions to juvenile crime. Unfortunately, with other amendments that we have already adopted, it seems that we are back to playing politics. What began as a bipartisan effort in both the Committee on the Judiciary and the Committee on Education and the Workforce has turned into a spectacle. We started with an intelligent, deliberate consideration of the issues and now we have degenerated into a situation where we are slinging soundbites at each other. This is particularly disappointing because we know what works to reduce crime.

We can say, however, that in this amendment, we have the opportunity to reduce crime. We know that prevention works. We also know it saves more money than it costs. For example, early childhood education programs like Head Start not only reduce future crime but also save future money by reducing remedial education requirements, welfare dependency and crime. Job Corps programs reduce future crime and also save more money by increasing employment, reducing welfare and reducing crime. Drug rehabilitation programs reduce crime and save almost $7 to $10 for every dollar spent by reducing crime and health care expenses. So we know what works. We know it works and we know it also saves money. This amendment encourages communities to review the research and develop a community crime prevention plan and to fund those prevention plans, plans that will help communities fight crime and those that are cost effective.

In addition to the emphasis on prevention, this legislation keeps intact several key principles of juvenile justice. Since 1974, there has been a concerted effort to provide fundamental protections for youth who come into contact with the juvenile justice system. Prior to 1974, it was common practice to lock up youth who had committed status offenses, those are noncriminal acts like running away or curfew violations or being truant, acts which are offenses only because of the defendant's status as a juvenile. These children who had not committed a crime were often in need of services and not punishment. In fact, frequently it was their families who needed services and not the juvenile. Nevertheless, these children were being locked up, often in adult jails. As a result, they were increasingly at risk of assault or committing suicide.

The Juvenile Justice and Delinquency Prevention Act of 1974 provided protections for these children. First, the Act required States to divert status offenders from the juvenile criminal justice system and place them in community-based alternatives. As a result, we have seen the suicide rate plummet. Second, this legislation basically continues the underlying principle that juveniles should not be housed with adults. Third, the Act focuses efforts to reduce, without establishing quotas or numerical standards, the disproportionate number of juvenile members of minority groups who come in contact with the juvenile justice system. This provision is important because it requires that States look at why minority youth are overrepresented in secure facilities or receive tougher sentences or are more likely to be jailed for the same kinds of offenses than majority youth. Efforts to reduce the disproportion might include prevention programs, less reliance on racial profiling in law enforcement, or sensitivity training for juvenile justice personnel to ensure equal treatment. In sum, the Goodling amendment maintains the core protections for children and a preventive and forward-thinking approach to juvenile crime.

Finally, I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his leadership in the development of a bill which is serious about reducing juvenile crime. I also want to thank the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their contributions. Also, I would like to thank the staff for their hard work, Alex Nock and Cheryl Johnson, Denise Forte, Ly Nguyen, and also Vic Klatt, Sally Lovejoy and Lynn Selmer for their hard work without which this bill would not have been possible.

Mr. Chairman, while I would have preferred this amendment to be a separate bill, detached from the partisan spectacle being conducted with the rest of the bill, I would urge my colleagues to support the amendment. This is a vote for prevention and a vote to put research and analysis back in the debate on crime.

Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question as to whether or not it is the legislative intent of the bill for the ''sight and sound'' provision to provide some flexibility but still limit supervised contact between adult and juvenile offenders.

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

Mr. SCOTT. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Yes, Mr. Chairman, in general there should be no contact, physical or otherwise, between juvenile and adult offenders. However, this provision establishes law for the rare occasion where a juvenile would be in physical proximity to an adult offender. We expect these occasions to be accidental and unforeseeable in nature. In these situations, the juvenile must be supervised by a corrections official. We would also expect that States and localities which exceed this authority by allowing these occasions to happen on a regular basis to be found out of compliance by the Office of Juvenile Crime Control and Delinquency Prevention.

Mr. SCOTT. Mr. Chairman, this is a good amendment. I would hope that it be adopted.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD), and I also ask unanimous consent that he control the time on this side. He is the other member of the Greenwood-Scott team that we have heard about quite often this morning.

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

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce for yielding control of the time to me and for his kind words as well.

Yes, the gentleman from Virginia (Mr. SCOTT) and I are a team and as you will see, our words are very similar.

Mr. Chairman, the issue before the House and the title of the amendment for which I speak is the Juvenile Crime Control and Delinquency Prevention

Act. The purpose of this legislation is to reauthorize and to reform the 25-year-old law which was designed to ensure that juveniles, children under the law who are accused of breaking the law, are treated firmly and fairly. Its purpose is to ensure that to the best of society's ability, these young people are redeemed from lives of crime and instead provided with opportunities to turn their lives around and to become good and productive citizens.

To understand why Congress wrote this law 25 years ago, one needs to become familiar with the problems Congress was trying to solve back then. Prior to 1974, in many States, children were frequently imprisoned right alongside adults. The unfortunate ones were physically and often sexually abused. The more fortunate children were simply tutored by their cellmates into the ways of crime and converted into hardened criminals at a very tender age. What was worse was that a large percentage of the incarcerated children had not even committed acts that would have been considered criminal had they been adults. Children were routinely locked up for running away from home, for truancy or for simply being deemed incorrigible. Before anyone is tempted to believe that those were the good old days when young people were held accountable for their irresponsible conduct, it needs to be noted that many of these kids were running away from terribly dysfunctional homes where they were being abused in the worst of ways. In the old days before the Juvenile Justice Act, alcoholic abusers could molest their daughters and their stepdaughters and then have them arrested for running away until they agreed to go back home to be subjected to more abuse. The sins of the parents were visited upon their children and then the children were punished all over again.

So in 1974, the Congress enacted the Juvenile Justice Act and offered to States financial carrots to reform their ways of dealing with the troubled children of their States. The law establishes core requirements for State juvenile justice systems that States must adopt to qualify for Federal delinquency prevention funds. And since others have specified those core requirements, I will not repeat them.

Most of yesterday's debate centered on the Committee on the Judiciary's piece of juvenile justice law, the so-called sanctions part. The amendment before the House now is the work of the Committee on Education and the Workforce. It is the prevention and the protection part. This year I have had the honor of serving as the prime sponsor of the delinquency prevention legislation. For many months, I have worked with my Republican and my Democratic colleagues to modernize and reform this statute so that we could reauthorize it for another 4 years.

My primary counterpart on the other side of the aisle has been the gentleman from Virginia (Mr. SCOTT). He is a good man. He is a committed advocate for his point of view and for the point of view of his party but he has always been available to my point of view and to the point of view of my party. He has consistently put the welfare of children and the safety of society above partisan advantage, and he has never once succumbed to ideological rigidity.

I also wish to commend the ranking member of the subcommittee the gentleman from Michigan (Mr. KILDEE) for his constant spirit of collegiality and bipartisanship and I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY) for working consistently in good faith to achieve a bipartisan bill.

Our bipartisan work product encapsulated in this amendment recognizes that prevention is the key to reducing juvenile crime. It streamlines current law, provides appropriate flexibility for the States and replaces overly prescriptive Federal requirements with prevention block grants. The amendment also reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, making them more effective in locating missing children and reuniting them with their families.

Mr. Chairman, in the wake of the tragic shootings at high schools in places like Littleton, Colorado; Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania and elsewhere, the Congress has chosen the Juvenile Crime and Delinquency Prevention Act to serve as the legislative vehicle to debate and to enact an extraordinarily wide range of proposals aimed at preventing youth violence and keeping our children safe. From gun control measures to new prohibitions on selling violent entertainment to children to establishing the right of children to pray in school, it is all in the mix, Mr. Chairman. We will, in the herky jerky ways of democracy, sort our way through it all. But I hope it is not lost upon us all that in the midst of this emotionally and politically charged environment, Republicans and Democrats on the Committee on Education and the Workforce worked through our differences and crafted this bipartisan legislation that we offer in the form of this amendment, convinced that within its 103 pages lies reliable and tested wisdom about how best to steer America's troubled children away from crime and how to reclaim these young people who go off on the wrong track.

As we speak in this Chamber, we need to remember that in every community in America, employees and volunteers in juvenile probation programs and in detention facilities are busy at the hard work of reaching into the hearts and minds of children hardened by abuse, neglect and disappointment and they are giving them hope and the esteem, the skills and the confidence to turn their lives around and to go straight.

That is what this amendment is about. We think it is among the most important work that we will do in these 2 days of debate. We commend it to the House for its support.

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

□ 1445

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Pennsylvania (Mr. GOODLING) to H.R. 1150.

This is the first opportunity I have had to talk about the then Juvenile Justice Delinquency and Prevention Act of 1973, as it was being conceived by Senator Birch Bayh and was then made into law in 1974. At that time I was president of the YMCAs of the USA, and at that time young people were in trouble, they were on the roads, they were confused. At that time young people were incarcerated with adult offenders.

We have seen many changes come since that time. But I am a bit disappointed that partisanship has once again raised its ugly head, and that out of over 70 Democratic amendments, only 11 of these amendments were adopted by the Committee on Rules. It is more than apparent that politics as usual has prevailed again. Of course, I commend the gentleman from Pennsylvania (Mr. GOODLING) for moving forward with this legislation, but in the Committee on Rules we saw the partisanship come out over and over again.

Let me take this opportunity to bring to my colleagues' attention my primary prevention amendment, which was not adopted by the Committee on Rules. I called for 50 percent of the funds in the prevention block grant to go towards primary prevention programs. As my colleagues know, prevention works. It works because it avoids young people from becoming involved in the criminal justice system. We have seen surveys continually which have proven that prevention works. As a matter of fact, old folks used to say a stitch in time saves nine. An ounce of prevention is worth a pound of cure. It is better to build boys than to mend men; that idle hands are the devil's playground.

But in spite of all of this, we were unable to get the funds put into prevention, and we are using the Republicans' method of intervention. Of course, if it was up to me, I would designate more than 50 percent of the funds for prevention, as I feel that attacking crime prior to when it happens is the only true solution. Nevertheless, we were

willing to compromise to meet the majority party halfway, but it was abundantly clear that they have no intentions of doing the same.

Even the Democratic substitute that I and several of my colleagues submitted with the hope of including language about school counselors was not adopted. This, after the horrible tragedy of Columbine. Elementary schools need counseling as well as our middle schools and high schools. Youngsters are crying out for help, but in many instances there is no one there to help them. As a matter of fact, in a typical inner-city high school, we have more full-time military recruiters for the senior class than we have high school counselors.

Our goal is to cut down on juvenile crime; thus, we must ensure our young people the ability to seek services that they need to help them cope with their problems so that they can be out of harm's way of the escalation of violence and tragedy. The increase of funding and actual number of school counselors is a measure that must be taken. I must say, I am utterly baffled as to say why the Republican Party is so hesitant to actually adopt legislation that would actually produce results to help our young people in this country with counseling and other preventive means.

Mr. Chairman, allow me to conclude by calling upon all of the Members of this House to support the Goodling amendment to H.R. 1150. It is my hope that in the future, our political parties could work more closely together, though, in favor of the children.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I certainly rise in strong support of the Goodling amendment. I especially want to note the leadership of the gentleman from Pennsylvania (Mr. GREENWOOD) on this notable reform.

It goes without saying that we have all become aware of the particular growth of juvenile crime and violence, and Littleton and Conyers, Georgia, and other recent developments have certainly burned those lessons into our minds, and into the conscience of the Congress. I believe, we must respond very appropriately today.

This amendment is a needed response, and I want to stress that it is prevention. If we had understood and applied the intention of this legislation, it is very possible that Littleton would not have happened. Indeed, I was working on the mental health components of this bill before Littleton the massacre did occur. In fact, as we learned later, that Harris and Klebold had been released from parole with glowing reports from the probation officer just 11 weeks before the massacre at Littleton, while at the very time that they were plotting and constructing bombs. Littleton became exhibit A of what we are trying to do in this bill, and particularly the mental health component of it.

In fact, the statistics became real at that point in time. According to the Department of Justice, 73 percent of the youth in the juvenile justice system have reported severe mental health problems.

So it is obvious that this amendment that I was able to get into the bill is essential. It is a screening assessment, a mental health screening assessment and treatment that makes mental health treatment and assessment an allowable use of funds in the Prevention Block Grant.

Mr. Chairman, I will not go into all of the details of the amendment, but I will submit for the RECORD the applicable legislation at this point, particularly as it applies to the projects which would be permitted under the mental health needs.

**"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM**

**"SEC. 241. AUTHORITY TO MAKE GRANTS.**

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placement.''.

**SEC. 212. DEMONSTRATION PROJECTS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105–277 for the Department of Education, $2.1 million shall be made available to carry out this section.

**SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.**

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

**SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE**

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

Mrs. ROUKEMA. For example, an assessment by a qualified mental health professional. Had this been applied when Harris and Klebold were in the probation system, perhaps it would not have occurred, and people would have diagnosed them with their problems earlier.

I must say that the reforms are long overdue, and they are consistent with everything we know about corrective treatment. Above all, I want to say that these reforms will bring greater security to our schools, greater safety to our communities, and a brighter future for all America's families, and perhaps will save the lives of countless victims who are at risk.

I would also like to point out that in addition to the block grant provision, we have a mental health assessment and a study that I was happy to work with the gentleman from Pennsylvania (Mr. GREENWOOD) on, and that study should give us a great deal of information for the next round of reforms.

Let us all pray, that our efforts here will be the first meaningful step on the way to a complete overhaul of our culture of violence—guns, videos, entertainment and a system that ignores the mental health and educational instruction reforms needed for our estranged and violent prone youth. Remember, ''an ounce of prevention is worth a pound of cure.''

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking minority member of the committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for all of their hard work in pulling this legislation together. I want to thank them for accepting the language that the gentlewoman from New Jersey (Mrs. ROUKEMA) and I have offered on mental health services and the screening programs within this legislation.

I think that this legislation is key, as the gentleman from Pennsylvania (Mr. GREENWOOD) pointed out in his remarks, to really dealing with the long-term problems within our society and with dealing with chronic delinquency and our best efforts at trying to prevent that behavior. We are here today reacting because of what 6 or 8, 10 kids have done across this country, killing dozens of young schoolchildren, but the fact is, 20 million children went to school last year, or this year, day in and day out and caused relatively little problem.

We do now know from a great deal of study and research that a relatively small group of people contribute rather dramatically to the crime figures among young people in this country. But that same research and those same studies tell us that many of these children come as a confluence of a series of events in their lives, sometimes very early on, because of the status of the mother during pregnancy, because of neurological and biological factors during birth, low verbal ability, neighborhood characterized by social disorganization and violence, parental criminality, substance abuse, inconsistent and harsh parental practices. All of these combined, and the researchers tell us this is a very lethal combination of events in a young child's life. And when they come together, these children who now, in many instances, we are able to diagnose and to look at, and the question is will we be willing to treat them and be able to prevent the kind of horrible activity that they later engage in.

This is a complicated problem and a complicated issue. There is not a silver bullet amendment that will answer this. We can attack Hollywood, we can attack Marilyn Manson, we can attack video games such as Mortal Kombat. What we really know is those are really insignificant if a child has had strong bonding and strong guidance and strong counseling from their parents, and they have a healthy relationship with their parents. But if they do not have that, and they do not have these resources to call upon, and then they engage in that kind of, or are subject to that kind of bombardment from media and from entertainment, they are candidates for serious problems.

So this legislation that the Education and Labor Committee struggled with long and hard, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) especially, I think gives our country one of the best hopes we have in dealing with juvenile delinquency and hopefully preventing juvenile delinquency, because that is really our goal. It is not to be here next year reacting to the next set of violent activities by young people, but it is to give our communities, our schools, and our juvenile justice system the tools to try and treat these children and to prevent this activity from taking place.

Mr. Chairman, I want to commend our committee for working in such a bipartisan fashion to come to this conclusion.

Mr. GREENWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I want to rise to strongly support this bipartisan amendment. I think it is a very solid piece of work out of the Committee on Education and the Workforce.

A lot of folks do not understand how this juvenile justice legislation works in the House, but we have the jurisdiction in the Committee on the Judiciary on juvenile crime matters, which are the base bill of H.R. 1501 here today, and all of the concerns that I have presented in the last few hours of yesterday and some of today over how we need to put consequences back into the law for juveniles and how we need to repair our broken juvenile justice systems around the States.

But an equally important companion part of that, which is what the Committee on Education and the Workforce does and is doing here today, to deal with those programs that are prevention programs, and the Office of Juvenile Justice and Delinquency Prevention, and today we are seeing some major steps in the right direction. The formation of a block grant program instead of having it broken into many pieces; the idea of taking the mandates that are the requirements on the States in order to get this grant program, there are four of them that have

been around, core mandates, while protecting and preserving their basic principles, modifying them so that they can become more flexible and manageable and workable in ways that have been criticized in meetings that I have been to all around the country, a major step in improving them in this bill today.

I want to commend the gentlewoman from New Jersey (Mrs. ROUKEMA) for the mental health provisions in here. I worked long and hard with her to try to help encourage the change of the law so that we are able to see juveniles who have mental health problems properly attended in that regard. That is a major part of the causes of the juvenile crime, the violent crime that we are addressing here today.

So I strongly support this amendment, and I am very pleased to be here today supporting it.

Mr. KILDEE. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me this time.

This legislation, which has been offered by the Chair of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), is a reconstruction, redraft of the Juvenile Crime Control Delinquency Prevention Act of 1974.

□ 1500

It is a comprehensive document, 100 pages of great effort on the part of both sides, the majority and the minority, in the Committee on Education and the Workforce.

I want to concur with all the statements that have been made thus far, and compliment the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for their tireless efforts in putting together a bipartisan product.

It is not often, particularly from our committee, where the two sides can come together and have such a substantial agreement on an important piece of legislation dealing with our young people and dealing specifically with the issue of prevention of delinquency.

This is not a matter that has come up since Littleton and school violence, this is a matter that has been under the jurisdiction of this committee for 25 years. These two gentlemen, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) have been laboring for years to put together a piece of legislation that will adapt from the previous enactment and try to comprehend the current circumstances that our young people are living under, the kinds of pressures that they must endure, and the need for a preventative system to be incorporated into our laws.

It is regrettable, Mr. Chairman, that this magnificent piece of work was snatched away from the Committee on Education and the WorkForce and pulled away from the bill that is under consideration for the last 24 hours, child safety and protection. There is no way that this Congress or this Nation can view the matter of child safety and protection only from the punitive aspects. It has to be dealt with from the preventative aspects, of how do we deal with problems before the child has to come into the justice system.

That is what this amendment does that the gentleman from Pennsylvania (Mr. GOODLING) has offered for our consideration. I am here today to rise in very strong support, and urge this House to add this very, very important title II to the bill that is under consideration.

If we fail to enact this title II and agree to the Goodling amendment, we will have left out a significant portion of what this country expects this Congress to do in dealing with child safety and protection. That is, what can we do as a society to prevent our children from coming into harm's way, and how to deal with potential juvenile crime issues.

The Goodling amendment represents responsible, bipartisan legislation that has been carefully worked out by our committee. It passed the subcommittee unanimously. It was about to be reported out to the floor when now we are faced with these circumstances of asking that this entire 100 pages be added to the pending legislation, because without it, we do not have substantial preventative measures.

The goal of this amendment is to reduce crime, but primarily it is the prevention elements of this legislation that are so important. It contains a block grant program that allows States to carry out projects designed to prevent juvenile delinquency, including educational projects, mentoring projects, community-based projects, and many other strong prevention programs.

It maintains the core focus of the Juvenile Justice and Delinquency Prevention Act of 1974, prevention over punishment. We do not need punishment if we can prevent the crime in the first place, and prevent our young people from coming into the system.

If we want to address the real problems of juvenile offenders, we need to put serious efforts into our prevention programs.

I wanted to offer an amendment and went to the Committee on Rules, but I was not given that privilege, to talk about the importance of school counselors. But I am pleased today that this main amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will help in this direction.

The Goodling amendment is an excellent start. It focuses on early intervention, helping our youth before they get into trouble. The Goodling amendment creates a juvenile delinquency prevention block grant program which will allow monies to be allocated for projects in mental health, as we heard our colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA) explain, and the gentleman from California (Mr. MILLER) concur.

It has educational projects, mentoring projects, literacy social service programs, substance abuse, substance abuse, educational scholarships, job training, after-school programs, and a whole other group of programs which the States can pick from in order to deal with their own individualized programs.

I call upon this House to give unanimous consent to the Goodling amendment, because without it the Child Safety and Protection Act of 1999 will not address the significant ways in which this Congress and this country must deal with juvenile crime, and that is to have substantial prevention programs.

Mr. GREENWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), a very active member of the Committee on Education and the Workforce.

Mr. UPTON. Mr. Chairman, I rise in very strong support for this amendment and sharing a commitment to finding a comprehensive solution to the problem. Education, parental involvement, youth activities, and accountability are just a few of the very important elements of this challenging issue.

The rate of juvenile crime, particularly violent crime, is of growing concern throughout the country. This amendment, a bipartisan amendment, introduced by my colleague and friend, the gentleman from Pennsylvania, acknowledges that prevention is the key to preventing juvenile crime for most of our youth.

This amendment streamlines current law. It reduces burdensome State requirements, and it provides States and local providers with greater flexibility in addressing juvenile crime. The amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local level of government by those individuals who understand the very characteristics of youth in that area.

I know in my district, particularly in Kalamazoo, Michigan, a coalition of local law enforcement officials are working together to beef up enforcement of the State's curfew laws, to identify peak juvenile crime hours, and fight truancy from school.

By working with existing groups such as the Kalamazoo public schools, the Ys, the boys and girls clubs, these groups hope to establish meaningful programming that in fact provide constructive alternatives to street activity.

I know that the YMCA Lincoln Program Center in Kalamazoo in the North Side gives hundreds of kids, and I have visited there, ranging from ages 6 to 16 a safe and positive alternative to life on the streets. More than just a drop-in center, this program instills

the values of care, honesty, respect, and responsibility into virtually every single activity.

The prevention components of this amendment would go a long way towards supporting similar delinquency programs and activities across the country.

In closing, Mr. Chairman, in the long run, our work today will have far-reaching effects on the quality of life for our neighborhoods and their children for years to come. I am looking forward to continuing to be involved and motivated in this effort.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a hard-working and knowledgeable member of the committee.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for introducing the Goodling amendment and bringing it here today, which is a true bipartisan effort.

No matter where Members stand on guns, no matter where they stand on the First Amendment, they must, they must stand for activities that prevent youth from committing crimes. If Members do, they will vote for the Goodling amendment.

The Goodling amendment provides funds for the States to enact a comprehensive system of juvenile delinquency prevention. These funds can be used for a variety of prevention activities, such as after school programs, counseling services, anti-gun activity, mentoring, and tutoring. All of these programs are needed and wanted by our youth.

Mr. Chairman, one of the biggest problems we have in this country is that we have too little time for our youth. We are not taking care of them, and we are not listening to them. If a child is lucky enough to have two parents, probably both of those parents are in the work force. They not only work an 8-hour day, they probably commute at least 2 hours beyond that every single day, which results in not nearly enough time for our children and our families.

When youth are ignored, Mr. Chairman, that neglect turns into frustration, which turns into anger, which oftentimes results in violence. This bipartisan amendment expands our community's resources to correct this problem, to work with our youth, to provide needed programs and support for them. It helps juveniles before they get into trouble. It uses Federal funds to prevent juvenile crime, rather than spending money to punish juvenile offenders.

The Goodling amendment invests in our children, and that is the soundest investment this country can make. Stand for our children and vote for this bipartisan amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO). (Mr. TANCREDO asked and was given permission to revise and extend his remarks.)

Mr. TANCREDO. Mr. Chairman, I rise in support of the amendment. I want to also say that, although there have been times when I have disagreed with my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), his commitment to address the problems of youth, the youth in our country, is extremely commendable. I just want to tell him that I sincerely appreciate his efforts on this amendment.

Mr. Chairman, I wish to specifically support that provision of the amendment which deals with giving the ability to schools to use funds for the establishment of safe school hotlines.

It was shortly after the incident in Colorado, after a brief discussion with a colleague of mine, the gentleman from Georgia (Mr. ISAKSON) was telling me about the safe school hotline program that was operating in Georgia. He was telling me of the success of the program. I endeavored to replicate it in Colorado, and was able to do so with the help and participation of a number of organizations, including the State Department of Education and the CBI and AT&T.

I want to speak about the specific issue that I know to be a very positive step in prevention. This is one thing that in fact does give us some ability to control the environment. It gives children the ability to control their own environment and to go back into schools. They are so afraid, and I get many, many calls from parents who talk about the fact that their kids were afraid to go back into schools after this event. This gives children and parents some degree of control over that environment. For that, I say it is the best possible thing that we can do.

I heard many references to Colorado and to specifically Columbine during the debate on this bill. I must say that although I sincerely hope and pray that anything we do in this bill would work to prevent a replication of that incident, that it is also my sincere belief that, frankly, what these two gentlemen were talking about in Colorado, it was not necessarily more counseling they needed, as they had plenty of that, it was an exorcist.

Mr. Chairman, I want to say that I sincerely support the amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I enthusiastically rise to support this legislation, and I thank the gentleman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), for the very fine work that has been done.

If this has been said already, let me just simply repeat it: Prevention, prevention, prevention. That is really what we should be discussing today and over the period of time. That is what this unfortunate crisis of school violence and troubled children should have gotten us to do, and that is to emphasize the need for doing something on behalf of our children.

I am delighted to have joined my colleague, the gentleman from New Jersey, as a member of the Committee on the Judiciary to add the language that talks about mental health resources and risk assessment for our children, so that we are not always looking to lock them up, but we are intervening and trying to provide school counselors, social workers, guidance counselors, school nurses, to ensure that troubled children have somewhere to go; that someone is listening. When I visit my schools, that is what they emphasize, can someone simply listen to us?

The urban scouting program in many of our cities, as I am a member of the Boy Scout Board in our community, they go into inner cities and develop scouting programs there as well, youngsters going into scouting as opposed to going into gangs. The Fifth Ward in Richmond program that takes inner city boys, it takes them and tells them there is more to do in life, they can be what they want to be. The PAL program, boys and girls clubs, these are the emphasis we should have. We should be fighting against gun violence, but attempt giving our children something to do.

In my own school and community, in my own county, these particularly core values are going to be very important, and removing juveniles from jails with adults, because when you put them there, they become murderers, rapists, other things we want our children not to be.

Lastly, let me say that we have a terrible problem in this country. That is the overrepresentation of minorities in the juvenile justice system. It happens every day in Harris County, Texas, that the largest numbers of those going through the juvenile system and being incarcerated are from the minority community.

It is a shame that our juvenile judges in that community only have that to do. With this legislation, we will be able to give them alternatives, preventative programs, programs that give children an opportunity. That is all parents are asking, hard-working parents that work every day that are really trying to monitor their children's behavior, but they have responsibilities that sometimes overwhelm them.

□ 1515

We in the community do not have to take over the parenting but we can certainly emphasize the preventive measures that so many great organizations

are doing in our community, and they simply need the incentive in the juvenile justice system and in the educational system to be able to offer alternatives.

I am hoping that Harris County juvenile justice system and the judges in particular in my community will stop locking up our juveniles, stop locking up minorities in an over-percentage as they do, and take advantage of the legislation that has been so wonderfully drafted and provide prevention, prevention, prevention.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), a member of the Committee on Education and the Workforce.

Mr. DEMINT. Mr. Chairman, I thank the gentleman for this opportunity to rise and speak in favor of keeping the youth of America safe and secure and out of the juvenile justice system. I know the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), many Republicans and Democrats have worked many long hours for many years to put this good legislation together.

The Goodling amendment contains important core principles, such as maintaining the separation of juveniles and adult criminals when they are held at the same facility. But the most essential thing of this amendment addresses how to keep youth out of the juvenile justice system.

How does this amendment do this? We enable schools and community organizations to identify the needs of at-risk youth and to give these organizations the resources they need to craft solutions which best address these specific needs.

This requires communities to work together on behalf of their children. Parents, teachers, schools, community leaders, businesses can band together to address the unique challenges presented to their teams. We should not live in a society in which schools are separated from the communities around them. The most important prevention programs, whether in schools, community centers or other locations, should take into consideration the needs of the youth in the communities.

We already know the best deterrent to youth violence: family involvement. The National Longitudinal Study on Adolescent Health has some amazing but predictable findings. One of the most stabilizing factors in a youth's development is strong family involvement. It keeps them from getting into troublesome activities such as drugs, alcohol, sex or violent behavior.

Some of the programs that communities can put into place as a result of the Goodling amendment encourages family involvement and provides a positive role model as well as positive activities for youth in our Nation. I support and trust parents, school officials, and local community leaders to craft strong juvenile delinquency prevention programs and, as I stated earlier, the primary goal of this amendment is to keep teens out of the juvenile justice system.

Again, I support the adoption of the Goodling amendment, which returns dollars and decisions to communities.

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

Mr. Chairman, let me say at this time we have before us an excellent bipartisan bill, and our special gratitude should go out to the gentleman from Pennsylvania (Mr. GREENWOOD) and to the gentleman from Virginia (Mr. SCOTT). Both of them have brought not only their expertise to this bill but their deep concern.

That is extremely important, and I deeply appreciate it myself. I know this House appreciates it.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), another member of the Committee on Education and the Workforce.

Mr. NORWOOD. Mr. Chairman, my thanks go to the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. GOODLING) for offering this amendment, which is much like a past bill we have debated many times. I am delighted we are going to have the opportunity to vote on it today.

The fact is much of what we really have been hearing in the last couple of days, in my opinion, is a lot of political posturing. Many of the bills being offered are offered in order to secure political points, not to really deal with the problem of juvenile violence and violence in our schools.

Well, this amendment actually does. This amendment actually deals with some of the problems and the causes of youth violence and offers, I think, some real help toward solutions of these problems.

Mr. Chairman, this amendment attempts to encourage prevention activities. I think we all recognize that prevention programs can be very helpful with juvenile crime. I do not, for example, for one moment, believe that prevention programs are the solution within themselves. That is not the whole answer. We do need very strong disciplinary actions and we have done so in other parts of this bill, but prevention programs are a part of the mix, a vital part of the mix, especially if we allow our States and cities and localities the time and space in their life to implement those most successful solutions that occur at home.

Mr. Chairman, I believe we do just that with the Goodling amendment, and I want to urge all of our Members to support this.

I would like to remind our Members that on July 15, 1997, most of my colleagues voted for H.R. 1818. That was legislation that is very, very similar to this amendment today, and those that have been around for awhile, I will remind them that the vote was 413 to 14. So they have every good reason to continue their good work from 1997 and vote for this amendment today.

I urge all of our Members to support the Goodling amendment, and again I thank my friends on both sides over here for making this opportunity possible.

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

Mr. Chairman, we have spent much of yesterday and today trying rather desperately to devise a wide range of responses to the school shootings. Some of those we have supported; some of those we have rejected. One other component of the amendment that is before us, that I would like to mention, is the effort of the committee to actually try to understand precisely what happened in each of these terrible school shooting tragedies.

This language before us contains funding, a nominal amount of funding, to get to the National Academy of Sciences, which will put together a group of the country's greatest experts on child development and on the impact of media on the development of children; other specialities in the social services. They will travel to each of the towns where these terrible school shootings have taken place, and they will interview, where possible, the shooters.

They will interview their siblings, their parents, their teachers, their friends, their neighbors. They will pay particular attention to trying to understand the perpetrators' early development, the relationships with their families, community and school experience; the relationship between the perpetrators and their victims; how the perpetrators gained access to firearms; the impact of cultural influences and exposure to the media, video games and the Internet; and other issues that the panel deems important.

What we hope, Mr. Chairman, is that at the conclusion of that study we will have a report that will be useful not only to our committee and to the Congress but to every community and school in the country, as every community tries to grapple with those issues that trouble our youth and to make sure that our children are safe and well nurtured.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, for the last 2 days we have heard from many of our colleagues talking about what Washington can do to combat crime on our streets. The amendment that I rise in support of goes a long way to achieving this very goal. However, it accomplishes it in a way that combats the crime but leaves Washington out of the combat.

I support this amendment because instead of a Washington-knows-best approach, States and local leadership are

given the resources they need to design solutions best suited to combat violence in their streets.

It accomplishes this by streamlining current law, reducing burdensome State regulations and providing States and local communities greater flexibility in addressing juvenile crime.

The Goodling amendment begins with a basic acknowledgment that prevention is the key to stopping juvenile crime for most youth. It also puts teeth into this statement by combining current discretionary programs into a prevention block grant to States and local authorities allowing them broad discretion in how they use these funds.

Mr. Chairman, this amendment is based on a bipartisan bill, H.R. 1150, that I am a proud cosponsor of. This legislation and now this amendment will provide States and local governments the ability to be flexible in their approach while still maintaining a strong preventive record against juvenile crime. I urge my colleagues to support this amendment, and I thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership and for bringing this amendment to the floor.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), in yet another demonstration of the bipartisan nature of this work.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding the time, and I apologize for being late to get into the debate.

Mr. Chairman, this amendment I am sure is going to pass almost unanimously, and I intend to vote for it. I think it is a good idea, but I did want to point out that this approach is just absolutely inconsistent with what we did yesterday under the McCollum amendment, when we federalized juvenile crime on the punishment side, and I rose on the floor yesterday to say, look, these are issues that are better dealt with at the local level.

We should not be federalizing juvenile justice. We ought to be localizing juvenile justice. It is ironic that a number of the same people who will be voting for this amendment, which is a good amendment, and recognizing the fact that juvenile justice and prevention is best done at the local level, many of those same people were the folks who voted for the McCollum amendment yesterday, which essentially substantially federalized juvenile justice on the penalty side.

I think that amendment was shortsighted and counterproductive and I think this amendment is a good amendment and is worthy of support. I just wish that more of my colleagues had had this same kind of States' rights spirit and local initiative spirit yesterday when we were debating the McCollum amendment, which should have failed and should have failed by the same margin that this amendment deserves to pass by.

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

Mr. Chairman, let me add one word of personal thanks. Members on both sides of the aisle have congratulated our staff on both sides of the aisle on the committee and personal staff, and I would like to take that opportunity as well. Judy Borger, my legislative director, has worked day and night on this issue for many months, not only this year but last year.

So often the American public has negative thoughts about what happens here in Washington, and I only wish they had a fuller understanding of the gargantuan and Herculean efforts that our staff make when they devote their long evenings, well past midnight and often their weekends, and Judy Borger on my staff has been as instrumental as anyone in the process of perfecting this legislation, and I want to personally thank her.

Mr. Chairman, not only have we provided a bipartisan product but we have done it in less than the time allotted to the debate.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GREENWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will be postponed.

It is now in order to consider amendment No. 37 printed in part A of House Report 106–186.

AMENDMENT NO. 37 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 37 offered by Mr. ROEMER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.**

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking ''and'' at the end,

(2) in subparagraph (O) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following:

''(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. ROEMER), and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

□ 1530

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

Mr. Chairman, first of all, I want to thank our leaders, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) and also acknowledge the very important work of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD).

I want to thank the Committee on Rules for allowing this amendment to be considered on the House floor. I want to thank the gentleman from New Jersey (Mr. ROTHMAN), my cosponsor, who is continually and constantly concerned about school safety and children's issues. I want to thank him for his help and his dedication in helping put together this amendment.

Mr. Chairman, this is a very easy amendment. I am going to ask, hopefully, that both sides accept it. The language in this amendment simply states that, under the bill's juvenile delinquency prevention block grants, that they permit as an allowable use certain school security improvement projects, including the placement and use of metal detectors.

I say this for three or four reasons, Mr. Chairman. First of all, I think all of us agree that the local community and the local school is the best place to decide how to use, in hopefully preventive, in proactive ways, these monies. That is what this amendment says. Let us give the flexibility to the local school to decide if the placement and use of metal detectors is helpful and appropriate.

Secondly, metal detectors have been an effective deterrent in schools. They have worked for the most part effectively in airports. A lot of schools want to use them. Let us have that be an allowable expense.

Thirdly, we have seen from Littleton to Jonesboro, Springfield, Paducah, Pearl, and Conyers, Georgia, that many parents are saying in national polls and in our town meetings they do not feel like our schools are safe enough. This amendment helps provide some of that safety and maintains the local use, the local flexibility to determine that.

Lastly, although this is not scientific, I recently received a letter from 30 of my students back home in South Bend, Indiana. Every single one of those students advocated that we have the option to use metal detectors. So I would hope that, in a bipartisan way, with bipartisan spirit, that this body would accept the Roemer-Rothman amendment.

Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ROTHMAN), the cosponsor of the amendment.

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman from Indiana (Mr. ROEMER) for yielding me this time. It has been a great privilege and pleasure to have worked with the gentleman from Indiana on this amendment. He has been a leader on so many issues of concern to parents and schoolchildren, and his expertise and his dedication to the area of education is unparalleled in this House, and it has been an honor to work with him. I thank the gentleman from Indiana for allowing me to join with him as a cosponsor of this amendment. I thank the Committee on Rules for allowing our amendments to be joined together.

Mr. Chairman, I rise in support of the Roemer-Rothman amendment. It is very straightforward. This amendment would allow a State or a local government to use this Federal grant money to purchase or lease metal detectors for their public elementary or secondary schools if they so choose.

It is a terrible reality today that our schools are not as safe as they once were. Many children are afraid to go to school because they are afraid they are going to be shot. Tragically, these fears are not unfounded. The school shootings in Conyers, Littleton, Jonesboro, Springfield, Paducah, and Pearl have taught us that children are bringing guns to school. Worse, they are using them to shoot and kill other children.

The schools in America are trying their best to deal with this problem in a variety of ways, but I believe that the only way to ensure that guns are kept out of schools is to install metal detectors.

But as the gentleman from Indiana (Mr. ROEMER) said, not every school will wish to exercise this option, and that is their right and their judgment as a local school district making this kind of local decision. But other school districts may feel that metal detectors are the way to go and are necessary for their districts.

One thing we have learned is that metal detectors work. They have worked in the airports for the last 25 years. When the Federal Aviation Administration, in response to a horrific wave of terrorism that terrorized our Nation, decided to install metal detectors in our airports, they have worked. The amount of guns and terrorism brought on our airplanes has declined dramatically. We can and should have the same result for our schools and schoolchildren.

Did they eliminate terrorism? No. Did they address the root causes of airplane hijackings? No. And so metal detectors in schools will not on their own address all the problems of gun violence or eliminate the root causes of juvenile crime. They will not even force parents or compel parents to spend more time with their children or to take more of an interest in their children's lives, or even to find ways to keep guns out of the hands of their children in the first place. But what metal detectors will do is keep guns out of our schools.

We have, as a body, and as a Democratic Party, tried to address the whole host of reasons for gun violence and juvenile crime. But this amendment deals with keeping guns out of schools.

I will just tell my colleagues a little bit about Elizabeth, New Jersey, my State, where 4 years ago they decided to install metal detectors in the middle schools and the high school. There has not been one single gun brought into those schools since metal detectors were installed.

Why has every school in America that has wished to install metal detectors not done so? Because it is expensive. Walk-through metal detectors can cost up to $8,000 apiece. Hand-held metal detectors can cost several hundred dollars.

Now, as the gentleman from Indiana (Mr. ROEMER) says, this is not a Federal mandate. It is an option for local school districts to make the choice whether to use this Federal grant money for metal detectors or some other safety devices in their own judgment for their own school need.

Some schools will not apply for metal detectors, but those who will should know that they will then have the ability to get some of this Federal grant money for metal detectors which will be effective in keeping guns out of their schools.

Metal detectors are one effective way to make our schools safer, and local school districts should have this choice. I urge the adoption of this amendment.

Mr. GREENWOOD. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for a Member in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 10 minutes.

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I simply rise to support the amendment of the two gentlemen. It is consistent with the flexible provisions and with the other provisions that encourage cooperation between communities and schools. We support it heartily and look forward to its passage.

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

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

Mr. Chairman, I just would conclude by thanking again the gentleman from Pennsylvania (Mr. GREENWOOD) for his helpful suggestions during the course of the last couple of weeks when our bill made its way to the floor. I again thank the Committee on Rules and the gentleman from New Jersey (Mr. ROTHMAN) for his hard work on this issue.

I encourage the body to show their bipartisan support for this amendment. It is not going to be a panacea for school violence everywhere. Our families are going to do that. Parental involvement in schools are going to help with that. Some preventive school safety measures in this bill might help. Some measures forward on video violence might help. But this is a step in the right direction. I would appeal to both sides to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 38 printed in part A of House Report 106–186.

AMENDMENT NO. 38 OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 38 offered by Mrs. WILSON:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.**

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking ''and'' at the end,

(2) in subparagraph (O) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following:

''(P)(i) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained; or

''(ii) programs to promote or develop partnerships with established mentoring programs, including programs operated by nonprofit, faith-based, business, or community organizations to provide positive adult role models and meaningful activities for juveniles offenders, including violent juvenile offenders.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. Chairman, I have listened to the debate over the last 2 days, and we have read the underlying bills and the amendments. They do a lot of the things that government does well. We have enhanced sanctions and built prisons. We have authorized States to use this $1.5 billion in block grant money to hire judges, more probation and parole officers and prosecutors, and buy metal detectors and buy computers and computer systems and all of the things that government is pretty good at.

But for all the talk about litigation and gun control, there is one very simple thing that I think we overlooked; and that is the essence of this amendment.

The amendment that I am proposing authorizes States and local communities to use monies for mentorship in partnership with organizations that have established programs for mentorship, whether they be nonprofits or business organizations or faith-based communities, to reach out to kids who are in trouble with the law.

It is not a very glamorous thing, mentorship. It takes a lot of time and a lot of commitment. But it is really the only thing that helps a child turn their life around.

I used to be the cabinet secretary of the State of New Mexico responsible for the juvenile justice system. I want to share with my colleagues some things about the kids that I met there.

Most juvenile delinquents have lives that are outside of our experience. I know a boy who was 14 years old. We used to have a program, and we still do in New Mexico, where kids who are about to be paroled go to dinner with a business person from the community just before they get paroled. They usually go to a steak house or someplace nice for dinner, and the business person buys their dinner, and dinner usually for a boy. Ninety percent of our juvenile delinquents are boys.

A friend of mine went to this dinner and was with a 14-year-old boy from eastern New Mexico. He watched him struggle with a steak. Most of our kids have never had steak before, and he had not. But the thing he was struggling with was how to use a knife and a fork.

I was at the New Mexico Boys School in Springer in one of my many visits there and was being toured around by one of the boys, as I often did. He was a member of a gang, and I asked him about it at the end. He had a 2-year-old son.

I said, ''When you leave here, are you going back to the gang?'' He said, yes, he was. He explained that his father had been in the gang, and he was in the gang, and it was part of his life. I said, ''What about your son?'' He said, ''No, it has to stop somewhere.''

But the father is the role model for the son. Seventy percent of the kids who are incarcerated in this country have little or no contact with their fathers. We would all hope that the parent is the positive role model that they need, that one caring adult in their lives. But so many of these kids do not have that, and it is up to us to find those positive adult role models who can teach a child how to use a knife and a fork, how to become a good man, even if maybe they were not such a good boy.

That is what this amendment is about, Mr. Chairman, is authorizing those kind of programs that bond a community with young people so that they do not throw their lives away and send all of us the bill.

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

Mr. SCOTT. Mr. Chairman, I support the amendment, and I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. WILSON) for this excellent amendment. Because of her extensive background in juvenile justice, she knows what works and what does not work. We know that education works. Giving young people constructive things to do with their time also works, but also the adult interaction that is embodied in this amendment.

□ 1545

Mr. Chairman, this amendment is perfectly consistent with the amendment that we just adopted and could probably be funded under one of those provisions. But I think it is important to highlight the successes and what the studies have shown about these particular kinds of programs, and for that reason I want to thank the gentlewoman from New Mexico for this excellent amendment and urge the Members of Congress and Members of the House to approve it.

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

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume, and conclude by saying that I believe we will turn the corner on juvenile crime in this country when organizations like Methodist Youth, or the Baptist Choir, or the Boy Scouts of America start growing exponentially in the neighborhoods where my colleagues and I are afraid to go at night. We will turn this country around one kid at a time, and that is what this amendment offers.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on the Goodling amendment, No. 36, on which further proceedings were postponed.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) 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 424, noes 2, not voting 8, as follows:

[Roll No. 226]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

| | | |
|---|---|---|
| Millender-McDonald | Reyes | Stenholm |
| Miller (FL) | Reynolds | Strickland |
| Miller, George | Riley | Stump |
| Minge | Rivers | Stupak |
| Mink | Rodriguez | Sununu |
| Moakley | Roemer | Sweeney |
| Mollohan | Rogan | Talent |
| Moore | Rogers | Tancredo |
| Moran (KS) | Rohrabacher | Tanner |
| Moran (VA) | Ros-Lehtinen | Tauscher |
| Morella | Rothman | Tauzin |
| Murtha | Roukema | Taylor (MS) |
| Myrick | Roybal-Allard | Taylor (NC) |
| Nadler | Royce | Terry |
| Napolitano | Rush | Thompson (CA) |
| Neal | Ryan (WI) | Thompson (MS) |
| Nethercutt | Ryun (KS) | Thornberry |
| Ney | Sabo | Thune |
| Northup | Salmon | Thurman |
| Norwood | Sanchez | Tiahrt |
| Nussle | Sanders | Tierney |
| Oberstar | Sandlin | Toomey |
| Obey | Sanford | Towns |
| Olver | Sawyer | Traficant |
| Ortiz | Saxton | Turner |
| Ose | Scarborough | Udall (CO) |
| Owens | Schaffer | Udall (NM) |
| Oxley | Schakowsky | Upton |
| Packard | Scott | Velazquez |
| Pallone | Sensenbrenner | Vento |
| Pascrell | Serrano | Visclosky |
| Pastor | Sessions | Vitter |
| Payne | Shadegg | Walden |
| Pease | Shaw | Walsh |
| Pelosi | Sherman | Wamp |
| Peterson (MN) | Sherwood | Waters |
| Peterson (PA) | Shimkus | Watkins |
| Petri | Shows | Watt (NC) |
| Phelps | Shuster | Watts (OK) |
| Pickering | Simpson | Weiner |
| Pickett | Sisisky | Weldon (FL) |
| Pitts | Skeen | Weldon (PA) |
| Pombo | Skelton | Weller |
| Pomeroy | Slaughter | Wexler |
| Porter | Smith (MI) | Weygand |
| Portman | Smith (NJ) | Whitfield |
| Price (NC) | Smith (TX) | Wicker |
| Pryce (OH) | Smith (WA) | Wilson |
| Quinn | Snyder | Wise |
| Radanovich | Souder | Wolf |
| Rahall | Spence | Woolsey |
| Ramstad | Spratt | Wu |
| Rangel | Stabenow | Wynn |
| Regula | Stark | Young (AK) |
| | Stearns | Young (FL) |

NOES—2

| | |
|---|---|
| Bereuter | Paul |

NOT VOTING—8

| | | |
|---|---|---|
| Brown (CA) | Houghton | Thomas |
| Carson | Miller, Gary | Waxman |
| Evans | Shays | |

□ 1609

Messrs. JACKSON of Illinois, UDALL of New Mexico, and GUTIERREZ changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 226, the Goodling amendment, I inadvertently pushed the ''no'' button on the voting box; it was my intention to vote ''aye'' and I want the RECORD to reflect my intent.

The CHAIRMAN. It is now in order to consider Amendment No. 39 printed in Part A of House Report 106–186.

AMENDMENT NO. 39 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 39 offered by Mr. NORWOOD:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. ___. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

''(10) DISCIPLINE WITH REGARD TO WEAPONS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

''(C) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

''(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.''.

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(k)(10), whenever''.

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking ''but for not more than 45 days if—'' and all that follows through ''(II) the child knowingly possesses or uses illegal drugs'' and inserting ''but for not more than 45 days if the child knowingly possesses or uses illegal drugs''.

Mr. CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, to the chagrin of some of my colleagues, I yield myself as much time as I may consume.

Mr. Chairman, I say that because I have had so much help in support of this amendment from the gentleman from Missouri (Mr. TALENT) the gentleman from Georgia (Mr. BARR) the gentleman from Wisconsin (Mr. PETRI) the gentleman from Montana (Mr. HILL) the gentleman from Arizona (Mr. SHADEGG) the gentleman from Iowa (Mr. NUSSLE) the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Tennessee (Mr. BRYANT) and the list goes on. I thank them greatly for their support and help in bringing this to the floor.

Mr. Chairman, I rise today to begin the debate on a very important reform that will help ensure safety in our school classrooms. When I talk to teachers and principals and superintendents at home, and I talk to them a lot, just like many of my colleagues do, I find that school safety is one of the greatest topics of concern. They are very, very concerned for the safety of themselves and the students, and they are very specific with me about one of the ways we can help them improve school safety at home.

Schools must be allowed to have a consistent policy for disciplining children who bring weapons to school. As it stands now, Federal law requires schools to have two different discipline policies for those who do bring a weapon into the classroom, one policy for disabled students and another policy for non-disabled students.

Current Federal law requires the student who brings a gun to school be suspended from school for a year. We rightly and should have a zero-tolerance policy for guns at school. However, for disabled children, that rule simply does not apply. Schools are not allowed to have the same discipline rule for disabled students.

A disabled student receives preferential treatment when it comes to being punished for bringing weapons to school. For all practical purposes, a disabled student would be suspended for no longer than 55 days and even then must be provided educational services.

My amendment begins the change. It allows schools to have a consistent discipline policy for students who bring weapons into the classroom. It allows students with disabilities who bring a weapon to school to be disciplined under the same policy as a non-disabled student in the exact same situation. It ends the two-tiered discipline policy that is in current law. It sends a message that weapons at school will not be tolerated.

Additionally, this amendment clarifies that school personnel may modify

any disciplinary action on a case-by-case basis.

□ 1615

Let me repeat that. This amendment clarifies that school personnel may modify any disciplinary action on a case-by-case basis. I doubt that there can be a more important job in America today than teaching our children. This is especially true for special education teachers. Education for those with disabilities allow all of our children to have the opportunity to learn and succeed. We are for that. We all are for that. But at the same time, Mr. Chairman, we need to make sure that our teachers and students are protected. We need to be sure they are safe in schools. We need to ensure that our children, disabled and nondisabled alike, have a safe learning environment in their school. Learning itself will soon become a casualty if we do not do this. Make no mistake, a vote for the Norwood-Talent amendment is a vote for school safety. A vote against the Norwood-Talent amendment is a vote against school safety.

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

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 30 minutes.

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

Mr. Chairman, I rise in strong opposition to this amendment. This amendment guts an historic bipartisan legislative act which was signed into law just 2 years ago. When this very issue was considered after months of deliberation, it was rejected by a majority of witnesses at legislative hearings and rejected by Congress. The current policy of providing educational services to suspended and expelled disabled students prevailed as part of that historic bicameral, bipartisan legislation when we reauthorized the Individuals with Disabilities Education Act, known as IDEA. And so under current law, a child with a disability who is suspended or expelled from the regular classroom for any reason is still entitled to continued educational services. Now, those services may be provided at home, in an alternative school or even in prison. But, Mr. Chairman, I know of no public policy benefit which can be achieved by sending these children into the street without any educational services even if they are being involved with weapons.

I would point out in this amendment, the definition of ''weapon'' is so vague and unworkable and overbroad that it would include a baseball bat, bringing a baseball bat to school. But that being aside, in fact, I see no public benefit of depriving any child of an education, whether they have a disability or not. It is difficult for any student who is expelled to ever catch up and graduate from school. We learned during hearings on youth crime that the link between crime and dropping out of school is very strong. For example, studies report that 82 percent of State and local prisoners are high school dropouts. For children with disability, the correlation is even stronger. Research shows that children with disabilities who are put out of school without educational services are much less likely than other children to ever catch up, much less likely to graduate from high school, less likely to be employed, and substantially more likely to be involved in crime.

Some support cessation of services because they think it has a deterrent effect. But those who put any thought into that issue know that threatening a child with a 1-year vacation from school will not serve as a deterrent from misconduct. In fact we have heard from several law enforcement organizations who oppose the policy embodied in this amendment because they recognize that it will not make our communities safer.

For example, a national coalition of police chiefs, prosecutors and crime victims wrote us a letter which said, in part, ''giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who need adult supervision the unsupervised time to rob, become addicted to drugs and get their hands on other guns to threaten students when the school bell rings.''

Mr. Chairman, some have suggested that students with disabilities who are disciplined for involvement in weapons should be treated just like other students involved in weapons. In fact, they can be treated like anybody else with weapons. They can be removed from the classroom. But you must continue their education. The IDEA program is premised on the recognition that children with disabilities need more support than other students in order to maintain an education. There is nothing to suggest that less support is needed when they have disciplinary problems, even if there are serious disciplinary problems.

Mr. Chairman, there is no reason to make matters worse by passing the problem on to other agencies. An alternative education is certainly cheaper than jail or prison and the phenomenal success of some States in preventing serious discipline problems from developing in the first place suggests that there are much better approaches to school safety and discipline than expulsions without educational services. Yet despite these successes and overwhelming evidence that interventions can reduce disciplinary problems, it is difficult to understand the rationale behind this amendment because it strips away some of the very provisions in IDEA that most experts would agree are the prudent things to do in order to prevent future disciplinary problems, provisions such as implementing an intervention plan in order to address the behavior that got the student in trouble in the first place.

Even more disturbing about this amendment is the fact that it would cease educational services to students even when the behavior is directly related to the child's disability. This amendment would prevent vital educational services to be taken away from profoundly disabled students who did not even know what they were doing was wrong.

Now, over the course of several years in which we have extensively debated the discipline provisions in IDEA, no one has ever suggested taking away services from children with disabilities where the behavior was determined to be related to the child's disability. In fact, the original Republican IDEA bills from the 104th and 105th Congress did not propose such an extreme provision. It has never been discussed in any of the hearings that we have had in IDEA.

Mr. Chairman, for these reasons, I strongly urge my colleagues to reject this amendment.

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

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds. All of us up here know that anybody is an expert that agrees with you. There are experts on both sides of this issue. I want to just point out this business about the definition that they are complaining about, the definition of a weapon. Members really should have voted against that in 1997 if they did not like that definition. The current definition, they have already voted for at least once, in 1997, when that definition passed through the IDEA bill by 420–3. Now is a little late to be concerned about that. We have things in our bill that take care of that.

Mr. Chairman, it is a great pleasure and also a great honor for me to yield 4 minutes to the gentleman from Missouri (Mr. TALENT), a good friend of mine who has worked very diligently on this.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time. I want to say to the gentleman from Virginia (Mr. SCOTT), I know we have worked a long time on this issue. I am on the committee, too. It is a hard issue. I worked on that compromise we passed 2 years ago. We have had some events since that compromise passed 2 years ago. We have had some tragedies.

When I talk to my teachers back home, my superintendents, my principals, my experts, the ones on the ground who are doing the teaching, and I talked to a group of them a couple of weeks ago, I said, ''What are you doing in response to these problems?'' They said, ''The same thing we have been doing. We network with the kids, we have security, we try and stop this violence before it occurs.'' I said, ''What do you need from the Federal Government?'' They did not mention a lot of the things that we have been working on the last 2 days and some of which I voted for. What they said is what they

have been telling me year after year after year, ''Look, give us the authority to get violent kids out of the classroom.'' They do not have that authority now where the child is considered to be disabled under the IDEA program.

That is what this amendment is designed to do. It is not an extreme amendment. Seventy-four members of the Senate voted for a very similar amendment. That covered guns, this covers all weapons. That is the only difference between them. Now, the reason we need to do this is first and foremost for the direct safety of the children involved and not just the other kids in the classroom but the child who is threatening them with a weapon or has a weapon and could threaten them. They are in danger, too. We need to get them out of that environment. This amendment allows the schools to do that as long as they treat that child the same way they would treat a child who is not disabled under the IDEA program.

The other reason why it is so important and it may be even more important, because we have to promote a respect in the schools for the basic rules that allow all of us to live together. We have to send a consistent message to the students that this is the priority of the adult world, protecting the kids against violence, adhering to a basic, rudimentary standard that is the guarantor of all safety and order, particularly in the schools.

We cannot have one group of kids, and one of 12 kids in the country are in this group. We cannot say to them, look, for whatever reason, maybe it is a good reason, but for whatever reasons, you can do these things, you can bring a knife to school, you can bring a gun to school and we really cannot do anything about it and you will be back in the classroom in a maximum of 45 days. We cannot say that anymore.

I have examples coming from the State of Missouri. Everybody else here does. A child who brought a knife on a school bus and threatened the other kids, 45 days later she was back in the classroom and back on that school bus. What would you do if you were a parent of one of the other children after what has happened in Columbine? You know what you would do.

Mr. Chairman, to close, what we have done with this amendment is what the Senate did except instead of applying it just to firearms, it applies to weapons. The gentleman from Georgia talked about what that is. It is knives, it is bombs, it is things that we would ordinarily and commonly understand as a weapon. The safeguard for the IDEA child is they have to be treated the same as everybody else. You cannot single them out. Other than that, we adopted the Senate amendment which got 74 votes.

I urge the House to approve this. We are going to have the K through 12 reauthorization bill coming up later in the year. We will be able to address other aspects of it then, but in the meantime, let us give our superintendents and our principals and our teachers what they have been telling us all for years that they really need and they really have to have, and which the parents in our districts as a matter of common sense expect to have. Give the schools the opportunity to deal with weapons and violence in the classrooms.

Mr. SCOTT. Mr. Chairman, I yield myself 30 seconds.

I will just read the definition that has been cross-referenced. The term ''dangerous weapon'' means a weapon, device, instrument, material or substance, animate or inanimate, that is used for or readily capable of causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2½ inches in length.

That would include a baseball bat, Mr. Chairman, and Members know it.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Norwood amendment. I have come to have a great deal of affection for the gentleman from Georgia because of his rough and tumble style and his straightforwardness, but on this amendment I must disagree with him.

I guess I have been here a long time. I was here long enough to write the education for all handicapped children's act along with other Members of Congress. I wrote the language that said that these children were entitled to a free and appropriate education and they were entitled to an education in a least restrictive environment. Many years later, I also wrote the first Federal gun-free school legislation that was passed several years ago which said if you bring a gun to school, you are out for a year, because I thought we needed very clear and bright lines. Then when we rewrote the education for handicapped children, what is now known as IDEA, the Individuals with Disabilities Education Act, we pondered and discussed this problem and had hearings and went around and around in our committee and this bill passed, I think he said, 400 something to 3, or unanimously in both Houses.

□ 1630

And we recognized that there were two distinct populations. There were children with disabilities, and there were children who we call normal, if you will, and those children with disabilities, children with Down's Syndrome, retarded children, children who have cerebral palsy, with conduct disorders, with multiple sclerosis, with attention deficit disorder, those children were different, and yes, there is a different policy. But if either of those children bring a weapon to school, they can both be immediately suspended from school or expelled from school. If you are a child with disabilities, you can be suspended for 10 days, and then we have to sit down and figure out why did you bring this weapon to school. Was it because of your disability? Is this something you understood or you did not understand?

One can be out for 45 days. There is no requirement that one go back to that school, one go back to that classroom. One can be put in an alternative setting. And in that alternative setting, those schools in Florida and Iowa, and those districts, California and others, in Iowa, after adopting a program to deal with children who act out in class, who present a threat, not with guns and knives, but because of their own behavior, because of their disability, these are children who are trapped with a disability. They have cerebral palsy, they act out, they flail around. They have multiple sclerosis, they have Down's Syndrome, they bump into other kids, they threaten and they say things. You do not think they would give up that disability in a minute, in a minute? But they cannot, they cannot.

But in Iowa, after adopting model management programs, they took the suspensions of disabled children from 220 a year to zero, to zero. We can work with these children, we can help these children.

But what does this amendment do? It says, if you bring a weapon to school, you go out on the streets, and that is why the gentleman from Virginia (Mr. SCOTT) told us, police chiefs and prosecutors and victims of crime have said do not do this. Work with these children.

What do we know about how we can do this? We can do this because we understand the disabilities, and we sit down with the parents and we work out a plan to deal with this violence. This is not some kid who knows what he is doing and cavalierly, recklessly walks in with a gun in school or a knife in school: You are out. That is a law I wrote. We should have zero tolerance. But with a child where that may be as a result of their disability, we ought to know that before we have them pay that kind of price. Because again, as the gentleman from Virginia (Mr. SCOTT) pointed out, when we throw these children out of school, they do much worse, and as the police chiefs have pointed out to us, they engage in one heck of a lot of activity. Some have suggested when we throw them out, give them back a gun and a mask, because they certainly show up in the crime statistics after they are out of here.

But we should not be doing this. We should not be doing this to these young kids.

Mr. Chairman, there is two distinct populations. Let me just say, 20 million children went to school day in and day

out this school year, and a dozen of those children, for what reasons we have not yet to fathom, engaged in violence against their schoolmates and killed and injured their schoolmates. Not one of those children was an IDEA child.

This is the equivalent of hitting the Chinese Embassy. This is the equivalent of bombing the Chinese Embassy. We are trying to deal with those children who are shooting other children, who are engaging in that kind of violence against other children in schools, and now we have chosen to target in some ways the most vulnerable population in those schools, those children with disabilities, those children with disabilities.

If we want consistency, let us not take the child that has a disability and have them pay a greater price, although I think we can deal with them in the same way in terms of suspension and expulsion, as long as they have some educational services. Here we have children that are targeted. The kid in Oregon that shot his schoolmates was suspended with no services, no education, no nothing; came back to school later and shot them. We now have kids who are crying for them, and your answer is to throw them out of school with no requirement to engage them in a plan. That does not sound to me very encouraging for parents who are worried about school safety, and it certainly does not deal with these children as we know we must under the laws of this land. We must deal with them with respect to their civil rights and make sure that we are not discriminating against them. Mr. NORWOOD said these children have preferences. I want to meet the child with Down's Syndrome who has a preference or cerebral palsy that has a preference, or a child with serious attention disorder, that has a preference? No, they have a disability.

Mr. Chairman, because they have the courage and their parents have the courage and school districts have the courage, they have an opportunity to possibly get a decent education and become productive members of this society, and this Norwood amendment would throw this all out. It should be rejected out of hand.

Mr. NORWOOD. Mr. Chairman, I would need probably an hour and a half to respond to that diatribe, but I will take 30 seconds, if I could.

Let me just simply point out, we are not throwing anybody out in the streets, and the gentleman from California (Mr. MILLER) knows that. We are saying that you have to be treated equally, and that the paramount issue in schools is the safety for 99 percent of the children. We are saying they are treated equally. They are suspended for 10 days, that is true, and then another 45 days, but the reality of the fact is that many of them are getting back in school.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank my friend and colleague from the great State of Georgia for yielding me this time.

As the gentleman on the other side just said, there are two distinct populations. Well, he was right. There are, indeed, two distinct populations that bring us to this point, that this legislation offered by the gentleman from Georgia (Mr. NORWOOD) and myself and others today bring us. There is the population of students who do not bring guns to school, and there is the population of those students that do bring guns to school. That is the essence of the problem here, equipping our teachers, our school administrators, and our parents with the tools to remove that second population: students that bring weapons to schools for whatever reason, for whatever reason.

One has to question, of course, if a parent would send a child with cerebral palsy to a school with a weapon to wave around. Very frankly, it would make me perhaps even somewhat more concerned if we started seeing that sort of thing in our schools. It does not really matter to those parents who have children who have been shot, wounded and killed with weapons that the bringing of that weapon to the school might have been a manifestation of anger or a manifestation of a disability. Their son or their daughter is just as injured, is just as dead as if the weapon that did that damage were brought to school by a child without a disability.

This is fair; this is common sense.

By the way, Mr. Chairman, why are we not hearing those two terms, fairness and common sense, from the other side today? All day yesterday, all day the day before, all morning today we hear about common-sense approaches to gun control. We hear about fairness.

Well, there is something that the American public perceives as very fair, and that is treating all students who pose a danger to their sons and daughters and their teachers by bringing a weapon to school, treating them the same. There is something that strikes the American public, although not the folks on the other side, as common sense, and that is any student who brings a weapon, a gun, to a school poses a danger to the other students and ought to be, if, in the judgment of the local school officials, which is what the Norwood-Barr amendment does, if they believe that the student poses a danger, they may, they may, not they shall, but they may expel that student, remove that student for whatever length of time they believe is necessary to ensure the safety of the other students.

This amendment to the IDEA legislation is the most fair, the most common-sense approach imaginable, because it simply tells our parents that when they send their sons and daughters to schools, that if there is another student who brings a weapon and thereby endangers their sons and daughters, they will be treated the same as other students.

Mr. Chairman, I urge the adoption of the Norwood-Barr amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, these children have disabilities. These children are the kind of children that years ago we used to put in institutions and take the key and throw it away. These are the kinds of children that parents would come to the school districts and cry and plead, do something for us. These children are treated unequally, and we have tried to treat them equally by providing services for them.

I do not know where we are going with this. We do not want violence in our schools. We do not want to have children in classes intimidated by those with weapons. But we are talking about disabled children.

The gentleman from California (Mr. MILLER) made it clear. This is not something that has been going on for years. We have only been able to deal with Down's Syndrome, the child with cerebral palsy, the child that is mentally disabled; only in recent years have we given them opportunity for education. We need to come to the floor of the House; no matter what the Senate rushed to do, let us be deliberative.

I would just ask my good friend from Georgia (Mr. NORWOOD), listening to the gentleman from California (Mr. MILLER), would the gentleman from Georgia accept a friendly amendment that says that what we will do with these children is to provide them with the alternative services that they need, such as other types of educational facilities; that the gentleman amend his amendment to provide for not the, if you will, the expulsion for a year, but to provide and refer them to services that they might need? Would the gentleman take a friendly amendment right now?

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would have considered it 3 days ago, but I will not consider it right now on the House floor. I will tell the gentlewoman, though, that one can offer services. Nothing in this bill says that the schools back home cannot offer services.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman. I was hoping that the gentleman would come in a bipartisan way and recognize that expelling a mentally or physically disabled child does nothing for the parent or the child but create havoc. I wish the gentleman had accepted that friendly amendment.

Yes, they can have services after they are expelled, and maybe the services will not last long. We are talking about children whose civil rights will

be denied. That is why we have the IDEA, because we knew that these children are different. They are different, they are in need. Their parents are frustrated, their parents are crying.

The question is on the record today: What will we do for America's children? Will we throw them to the wolves and let them be at your door with a gun because they are physically challenged or mentally challenged, or will we say that whatever the Senate rushed to do, we know that they are different, not because they desire to be different, but because God made them different, and if God made them different, then why do we not do something to help them with their disability as opposed to destroying them and not letting them be contributing adults?

I think this is an incredulous amendment. I wish I could come here and have accepted the willingness of the gentleman from Georgia (Mr. NORWOOD) to say we will forget about expulsion and we will make sure that they are expelled, if you will, to a yearlong set of services where they can be taken care of. That is not the case. The gentleman is telling me that they are expelled.

I would just simply thank the gentleman from Virginia (Mr. SCOTT) and the Committee on Education and the Workforce for having the wisdom to provide for our disabled children in America. Vote this amendment down, because it discriminates against people who cannot do for themselves.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT)

Mr. BRYANT. Mr. Chairman, I rise in strong support of this amendment. With all due respect to my good friends and colleagues who oppose this amendment, this is not the end of the world.

Let us think about this a minute. We have a school somewhere in America where in most instances there is a zero tolerance policy if one brings a gun or weapon to school. That means one gets kicked out of school, because people have looked at this and weighed the interest of public education or an education versus the physical safety of other students. If one student brings a gun to school, that student forfeits that right to an education for that year, in the interest of the other students' safety there. That is good policy.

Now, we are not talking about every student that might, could have been sent to an institution at one time. Right now, the statistics show that anywhere from 11 to 12 percent of our student population in America right now would be covered by this bill. They have some sort of disability. Very many of them are marginal, and very many of them know the extent that they can push these laws that they cannot be sent out of school. And primarily, it is to those that we are talking about, although there is an equal application.

So if one has two students in that school that has a zero tolerance policy, and one of those students is part of the 88 percent who are not covered by this act and gets caught with a gun, this student gets kicked out for a year. But if we have another student, his friend, who is part of that 12 percent that is covered by the disabilities act, he gets caught with another gun, he does not suffer that same type of punishment.

Now, in Washington and in society and in courts and in our system of justice, very often we have to deal with competing, competing good values. The IDEA bill is a good bill. We ought to ensure people with special disabilities have an education. But there is that competing value of safety for our other children, and I urge my colleagues to stand up and support this amendment for all of the students, and equal treatment for all of the students.

□ 1645

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Here we go again, make a deal and break it. They want us to work in a bipartisan way. We did work in a bipartisan way on IDEA. IDEA had this debate. We had this debate fully in the last Congress. We came to a resolution on it. There are protections in the bill that provide for the principals and teachers and everybody else to take care of situations as the gentleman is trying to take care of here, but in a very deleterious way.

The fact is the gentleman from Tennessee (Mr. TANNER) says treat them like everybody else. They were not treated like everybody else until the law was passed to force the local school districts to treat them like everyone else and give them an equitable education. But they have not been.

Let me tell the Members, if they really believe these children are a threat to the rest of our children by guns and knives, these particular kinds of children, then I have some oceanfront property in Arizona I will sell to the Members. That is the biggest baloney I have ever heard.

What we are trying to do here is circumvent a program we all voted on, and it passed overwhelmingly in the House and Senate and was signed into law by the President. We all went to the White House, both Republicans and Democrats, to see this consensus bill signed into law. Now here in the next session of Congress we are trying to break the agreements that we made in that Congress. I find that very unlikable.

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

Mr. MARTINEZ. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I did not make any agreement in the last Congress never to come back and try to make this better.

Mr. MARTINEZ. I take back my time, Mr. Chairman. The gentleman was part of the Committee on Education and the Workforce that passed that out. The gentleman was also part of this Congress that voted on it. I do not know how the gentleman voted because I did not look up the record, but the gentleman was part of that Congress.

That Congress agreed that we would take care of these situations in a very definite way. Most of the States have already figured out that kids with special disabilities who get into this kind of a problem need some kind of alternative schooling, not being kicked out of school, not being denied education.

We held a hearing before that markup of that bill. In that hearing some very conservative people testified that it was the most stupid idea in the world not to continue these children's education.

Mr. NORWOOD. Mr. Chairman, it is a great pleasure to yield 2 minutes to the gentleman from Montana (Mr. HILL), who has been so very helpful in helping us put this together.

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, one of the overriding concerns that has been debated through many amendments on this floor over the last 2 days is that we want to have zero tolerance of violence in our schools. That is an admirable goal. I think everybody that has come here has been working to try to achieve this.

A parent who is sending their child to school this morning wants to know one thing: that there are not going to be any guns at school when their child gets there. This amendment is probably the most commonsense way to help achieve that.

Under current Federal law, local schools do not have the authority to establish a single universal standard for disciplining kids who would bring a gun to school. But beyond that, schools can be required to incur incredible costs, legal fees, extraordinary education costs, special placement costs for kids who would bring a gun to school and threaten their fellow students or their teachers.

Mr. Chairman, this is a very confusing, complicated, and difficult problem. But what this amendment simply says is that schools can hold all the students in that school to the same standard. If students bring a gun to school, there is going to be a consequence. That consequence is going to apply to everybody. It does not dictate what those local school standards ought to be. It leaves that up to the local school board. It is narrowly drafted. It applies only to weapons.

We need to make clear, this amendment does not prohibit schools from providing special services to those children who have special needs. This Congress has gone on record time and

again, repeatedly stating that it supports greater flexibility, more empowerment for local decision-makers, reducing red tape, cutting unnecessary and wasteful regulations. This amendment continues that effort.

Finally, Mr. Chairman, I want to point out that this amendment is endorsed by my Montana School Board Association, the National School Board Association. I urge my colleagues to vote for this amendment.

Mr. SCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, I am very surprised and disappointed that this amendment is being introduced today. What this action represents is a kind of back-door ambush of children with disabilities. It is a violation of a covenant of the community of people with disabilities, because we had a lengthy dialogue with them. We had hearings, we had long discussions when we were considering the refunding of IDEA.

At that time we took it through the process of conference committees with the Senate and House together. We voted on the floor. We all came to the conclusion finally that we did not want this provision in the legislation.

So here we are today, unprepared. The community of people with disabilities certainly did not know this ambush was going to take place. The majority party, which always appears or wants to appear to be in harmony with the goals of the community with disabilities, comes through the back door with this kind of amendment.

The call that I have heard from the other side to get violent children out of schools implies that children with disabilities are violent. Where does that information come from? Generally children with disabilities are not violent and do not deserve to be labeled as being violent. The equation of this being a move to make schools safer by getting violent children out, when the amendment is addressed, it is getting out children with disabilities.

The evidence is that the violence is originating from those who are not disabled. All of the most dramatic incidents that have taken place recently do not involve children who have been identified as being children with disabilities. Some might have disabilities, but they were not identified as such. They would not have come under the purview of this amendment, anyhow.

Why have a special rule for children with disabilities, I have heard the question asked. That is what the legislation was all about that we developed years ago. We said they need special attention, that they are vulnerable. All children are vulnerable, but children with disabilities are more vulnerable, and because of the way they have been treated in this country, we had to have a Federal law to make sure that they were getting equal treatment.

Equal treatment required they had to have some kind of special attention. This is accepted generally when children have physical disabilities. It is accepted you are not going to require a child with a physical disability to go to the same physical education classes. It is accepted that they can use certain kinds of procedures in entering and exiting schools.

A lot of things are accepted. The problem is that there is a great prejudice against children who do not have physical disabilities being put in the category of children with disabilities. That is what this is really all about. The mentally retarded, the mentally ill, they look physically normal. Somebody has just described them on the other side as being marginal. That is the source of the great controversy. There is a great pressure from school boards and pressure from people who appropriate money at every level to get rid of all of these children who have non-physical disabilities which are obvious, get them out of the situation where they require extra funding.

If that were not so, then the solution to this would be that if Members are really fearful of children with disabilities in the regular classroom setting, and we remove them from the classroom setting for some reason, then we provide an alternative.

But no, this amendment will not accept or mandate that there be an alternative. We agreed in the committee that all right, if you have to do this, you must provide alternative education for children with disabilities. But that does not solve the problem they are really after. They want to cut costs, the costs of providing alternatives, which would be even greater than leaving the child in the classroom, so they do not have the cleansing operation for the so-called mentally retarded and the mentally ill and those who are marginal. We are always questioning whether they really belong there or not.

We have said children with disabilities are vulnerable. All children are vulnerable. We have special rules and we make special rules at the Federal level and other levels for children for that reason. These are the most vulnerable children, and these are children who should be treated with great care.

The mission and thrust of the Federal law is to deal with the special situations. The fact that so much of it happens to be mental and not physical is something we are going to have to live with and be able to pay the cost for.

Fairness and common sense was mentioned a few minutes ago. Fairness and common sense demand that we have more evidence that there is really a problem. I have not heard the evidence that our schools are under siege by children with disabilities bringing weapons to school. Where is the evidence? I have heard the statement made, but there is no evidence. We do not have a problem. This amendment is fixing a problem that does not exist.

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds.

Let me just say that special needs children are treated differently. Everybody who is sponsoring this amendment totally agrees in that, that they deserve special attention. But when it comes to weapons and when it comes to guns, everybody in school must be treated the same, so that we can protect the 99 percent of the other students.

Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Arizona (Mr. SHADEGG).

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Norwood amendment. I do so with personal experience in my own life, and with now 5 years service in this Congress, where I have talked to teachers, I have talked to principals, I have talked to school administrators, and I have talked to State legislators about this issue.

I want to make it very clear, IDEA is a well-intended law. Indeed, it does a great deal of good. No one on this side of this issue would argue that there are not disabled children who deserve protection, that there are not seriously disabled children who need the protection of this law, children with Downs syndrome, children with cerebral palsy, children with other severe disabilities.

My friend, the gentleman from California (Mr. MILLER) is right to say we need to fight to protect those children, and fight to protect the parents of those children who are trying to take care of those children.

But the sad truth is that there are other children who are misusing the law, who are perverting IDEA to protect their disruptive conduct. These are not Downs syndrome children, these are not cerebral palsy children. These children are not severely disabled.

They do understand the rules of conduct. Their disability does not prevent them from complying with the rules of conduct. They understand those rules and they can conform. But my colleagues, the sad fact is, some of these children are gaming the system. They game the system by saying, I am disabled, and getting a psychiatrist or psychologist to say they are disabled, to protect their disruptive behavior in class.

If my colleagues on the other side do not recognize that there are people in our system today, kids, aided by their parents, using IDEA to shield them from their discipline misconduct, which allows them to disrupt the classroom, prevent schools from having appropriate learning atmospheres, and destroy the education of other children, if they do not understand that that is occurring, if Members do not understand that there are children and

parents perverting the system, and that they are disrupting the education of every child, then Members are not talking to the teachers in their district, they are not talking to the principals in their district, and they are not talking to parents in their district, or the administrators in their district.

Mr. Chairman, I urge the Members, this is a commonsense amendment, but we need to go much further than this. This is closing the barn door after the horse is out. We need to give parents, teachers, and principals the ability to control schools when children pervert a good law to use it to their benefit.

I urge my colleagues to support the Norwood amendment.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, in response to the gentleman who has just spoken, I would like to say that I would be happy to join the gentleman in perfecting an amendment similar to one that I offered in the committee, which was not accepted, which would deal with the problem of mislabeled children. If that is what the gentleman wants to deal with, that children are labeled as being disabled who are not disabled, do not have disabilities, that is another kind of problem which is a serious problem.

Why do we not address that problem, instead of addressing the problem through the back door this way, saying that those who do have disabilities, that is what this amendment says; those who do have disabilities, bona fide disabilities, those who have been through a certification process and, there is no question. You are saying that they should be kicked out.

If the gentleman wants to raise questions after the incident occurs, if there is a weapon and a student has been charged with not being really a disabled student, let us have a process by which they are again reviewed and there is another recertification process. Those are things we need. We need to wade into that. I would be happy to join the gentleman in an amendment for that effect.

□ 1700

Mr. NORWOOD. Mr. Chairman, I yield 15 seconds to the gentleman from Arizona (Mr. SHADEGG), to respond to that question.

Mr. SHADEGG. Mr. Chairman, one, I am happy to join with the gentleman on his amendment in ESEA reform which is coming later this year.

Number two, I offered such an amendment in the Committee on Rules and it was rejected but, number three, I think the flaw in the gentleman's logic is the flaw in the logic of the gentleman from California (Mr. MILLER) when he argued the language says ''may discipline,'' not ''must kick out.'' May discipline; not, must kick out. It does not say they must be kicked out. It says they may be disciplined.

Mr. NORWOOD. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) has 10¾ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining.

Mr. SCOTT. I am the last speaker and we have the right to close, I believe.

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

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) and congratulate him on a very measured and reasonable amendment, which I certainly support.

Let me tell a story that actually happened in my home State. Four students were caught passing a gun among themselves at a school-sponsored event. Three of these students were expelled. The student who actually brought the gun to the school-sponsored event was not expelled. Why was he not expelled? Because he was identified as a special needs child under the IDEA program and was only put in an alternative program.

This actually happened and is happening across the United States of America. Unfair, unequal justice and I think we should all agree, Mr. Chairman, that even juvenile justice should be equal and consistent.

When I go back home to my district and talk about education, it is not just the parents who want safety in schools. Talk to the teachers, talk to the administrators and they tell me, Congressman, if you want to do something about education, to help us at the local level, give us the flexibility and authority to impose fair discipline and equal discipline in our schools.

Actually, Mr. Chairman, they wish we would go farther and extend this not only to weapons but to other forms of school safety.

Yesterday I voted against an amendment that sounded good. It sounded like we would have zero tolerance on drugs in our schools, but it imposed a new Federal mandate on local government and local school districts. This Norwood amendment takes a different approach. It gives school districts and local governments more flexibility. It provides more flexibility to educators and allows local school boards and administrators to impose fair, equal and consistent discipline across the board.

Mr. NORWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. ISAKSON), our newest Member from Georgia.

Mr. ISAKSON. Mr. Chairman, I appreciate the time yielded from my colleague, the gentleman from Georgia (Mr. NORWOOD), and I appreciate the opportunity to speak.

Mr. Chairman, I would like to say a couple of things to my colleagues on the other side.

I am married to a wonderful lady for 31 years, a special speech and hearing, special child teacher. I was in the State legislature and helped to implement 42–194, which Mr. Miller coauthored in this House in the 1970s, and I am pleased the last 2 years to chair the Georgia Board of Education, where 1,368,000 kids are in school, taught by 87,000 teachers.

I want to make one thing real clear. There have been some misstatements, not intentionally I am sure, but I want to clarify. Number one, I would say to my dear friend, the gentleman from Georgia (Mr. NORWOOD), it is not 1 in 100. It is 13 in 100. It is a number of students who fall in this category.

Number two, this bill does not have the word ''shall'' in it. This bill has the word ''may'' in it.

Number three, with regard to the civil rights, I am committed to the civil rights of every child in the classrooms of America. They are God's gift to us, regardless of their special need or their gift.

I would submit that there may be an occasion, may, where a special needs child may threaten the life in a self-contained environment of another special needs child, or in a mainstream environment, which Mr. Miller passed and I support, where we ensure that those that may have an infirmity or disability or a special need are mainstreamed with our most gifted.

This does not say they will not get an education. It does not say they must be suspended. It does not stigmatize them. Nor does it violate their rights, but it says that every child, every gift of God to us, has the right to expect that if the need is there, that we can apply the discipline to ensure a safe environment in our schools.

I know of no educator cavalier enough or no one brazen enough to take advantage of a disadvantaged child all because the word says ''may.''

If the time were available, I could quote case after case where had the school system had the flexibility at the time, they could have treated the civil rights of every child equally and maybe turned around the life of a special needs child rather than otherwise having to have their discipline governed by an external act not close to the situation.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD), a good friend who has been so helpful on this.

Mr. WHITFIELD. Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for taking this important amendment forward. This is not a mandate. It is discretionary with local school boards. There is not any issue in education today that is more controversial than the IDEA program. Every time I go to the district, school teachers, principals, board of education members are complaining about this program and the fact that individual students are treated differently. I think that this

amendment will be a vital step in trying to restore some order into our schools.

I would like to read a statement from one of the principals. I could bring forth many statements like this, but it simply says that students under the IDEA umbrella cannot be disciplined like other students. Students who have discipline problems in school know their limits and generally push until they have gone beyond the limits. This is where the problem starts.

What do schools do with the ever-increasing number of students who have exceeded their disciplinary limits and know that the school can do nothing about it?

We can only wait until the school is totally overwhelmed and then the lawmakers will be forced to act. So I support the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I want to join with my colleagues here in encouraging the efforts of the gentleman from Georgia (Mr. NORWOOD) in dealing with this question. It does give school districts, school boards, school administrators the flexibility they do not have right now. As the gentleman from Kentucky (Mr. WHITFIELD) just said, when we talk to people in schools, whether they are teachers, whether they are administrators, whether they are school board members and say, what is the single biggest problem with the Federal Government, we really do not even need to ask that question.

I now ask what their second biggest problem is with the Federal Government because they all have the same single biggest problem. It relates to this topic. It makes evenhanded, fair discipline at school impossible. It creates an atmosphere that leads to all kinds of situations. It needs to be part of this legislation. It is an important addition to this legislation.

I urge my colleagues to vote for it.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for yielding me this time.

Mr. Chairman, I join with my co-authors to this amendment in thanking them for their support on behalf of so many school districts, school board members, principals, superintendents back in Iowa, teachers and even parents, that are concerned that for some reason people out here in Washington, as soon as they cross the Beltway, think that they know how to do everything with regard to discipline back home in schools.

First of all, we think one size fits all, that every child and every situation deserves the exact same approach and so we mandate down to the local levels exactly how discipline ought to be taken care of. We should not really do that.

I happen to be the parent of a child with a special need. Let me just invite my colleagues to be concerned. Let me invite my colleagues to advocate on behalf of her needs. Let me invite my colleagues to worry about her education. But please, let her mom and me, let her teachers, let her school board members and her community leaders and their principals and superintendents worry about how to make sure she gets the best education possible and make sure she behaves while she is there and make sure that it is appropriate when she misbehaves.

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

Mr. Chairman, this amendment, the Norwood, the Talent, the Barr, the Petri, the Hill, the Shadegg, the Nussle, the Hutchinson, the Bryant amendment is about safety and security in the classroom for all the students, special needs and not special needs.

It is about allowing these individuals charged with the awesome responsibility of providing for the education of our youngsters, the authority to take the necessary steps, absent bureaucratic barriers from Washington, D.C., to secure that classroom for all students.

Having special needs can mean many things. It can mean emotionally or mentally disturbed. It can mean blindness or deafness. It can mean many other types of behavioral problems, even a learning disability like a poor reader or language skills. Too often the fact that someone has some type of problem that might lead them to bring weapons to school in the first place becomes the very license to get them back in the school room, despite the fact that they brought a weapon into the room.

I cannot, to save me, understand that. The very problem that they have allows them to come back into the classroom 8 months later with a weapon. That is wrong, Mr. Chairman. If a child has a special need that causes him to bring a gun to school, that child should not be in the classroom. It does not mean the child should not be educated, if at all possible, but not in a situation that endangers the lives of the other children in the classroom, including the other special needs children.

Our primary concern, Mr. Chairman, has to be for the safety, for the safety, of the 99 percent of our children in the classroom; 85 percent without special needs, 14 percent with special needs.

Now, the effect of this amendment is that all children are treated equally when it comes to weapons and safety in the classroom. Special needs children are not treated the same. They are given special privileges, but when it comes to guns, all are treated equally. The 14th amendment recognizes that there should be equality under the law and equal application of the law, and we do not do that now.

This amendment expresses the sense of Congress that all students, disabled, nondisabled, special needs, nonspecial needs, are entitled to a free and appropriate public education. My goodness, who can disagree with that?

The word ''appropriate'' must mean safety first, and there must be a zero tolerance for guns in our schools. Appropriate, being alive is more important than appropriate learning. We have lost 27 people over the last few years, students and teachers, in school rooms. We must say to the world, no one may, under any circumstances, bring a gun or a weapon to our classrooms in the United States of America; period, the end.

This amendment is supported by the National Association of Secondary School Principals. I submit that for the record. It is supported by the American Association of School Administrators, and I submit that for the record.

It is supported by the 95,000 local school board members. Vote for this amendment, for goodness sakes.

Mr. Chairman, I include the following letters for the Record:

THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
*Reston, VA, June 16, 1999.*

Hon. CHARLES NORWOOD,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE NORWOOD: The National Association of Secondary School Principals (NASSP)—the nation's largest school administrator organization—thanks you for introduction of an amendment to the Violent and Repeat Juvenile Offender, Accountability and Rehabilitation Act of 1999 (H.R. 1501) which amends the Individuals with Disabilities Education Act (IDEA). For several years, principals have vocalized the tremendous difficulties created by a ''dual discipline'' system that requires certain students be disciplined differently than others. This legislation will finally allow schools to discipline all students equally in relation to possession of a weapon.

While we support the amendment, we are very concerned about language in the measure relating to cessation of educational services for suspended or expelled youth. As advocates for students, NASSP believes that all children should have alternative education options available to them if the general education classroom is not the most appropriate setting for learning. If we do not address the educational needs of those children who are most vulnerable by providing a ''safety net'' of services for rehabilitation purposes, the costs to society will be greater in the future—both monetarily and in humanistic terms. We encourage Congress to provide additional funding for alternative education options to address these needs.

Thank you for recognizing the inequities related to discipline which are created under differing sets of laws, and for taking action to remove these legislative and regulatory barriers. We also thank you for taking under consideration the need for alternative educational services and the financial resources needed to accommodate this goal.

Sincerely,

GERALD TIROZZI, Ph.D.,
*Executive Director.*

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
*Arlington, VA, June 15, 1999.*

Hon. CHARLES NORWOOD,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE NORWOOD: The American Association of School Administrators would like to thank you for your effort to address the issue of school safety and contradictions in current law. All children should be safe at school. Teachers cannot teach, and students cannot learn in an atmosphere of fear and disruption. Yet Congress and the federal regulations have tied the hands of teachers and administrators to fulfill this responsibility to all children. Your amendment to H.R. 1501 responsibly addresses these issues in a consistent manner.

Although well intended, provisions of the Individuals with Disabilities Education Act (IDEA) mandate a double standard for violent and disruptive behavior in our schools. We know what works to improve school safety and discipline; clear discipline codes that are fairly and consistently enforced. IDEA, as currently written, makes that impossible.

Schools should be able to adopt a simple, fair system of discipline. Your amendment would allow them to do just that. Students committing identical infractions should not be treated differently depending on whether or not they are identified as disabled. As schools and parents work to include special education students to the general curriculum, the disparate treatment of students misbehaving in the same way in the same classroom aggravates this problem.

The top priority of public school parents regarding public schools is students' safety and classroom discipline. This was made abundantly clear by the tragic incidents of the last school year. Parents are genuinely frightened for the safety of their children and are demanding, appropriately, that schools respond by ensuring a safe learning environment. We are in danger of losing the public's trust, if we do not address the issues of discipline, including disciplining students with disabilities.

Effective education for citizenship and achievement is not possible when students either feel that they are exempt from punishment or that the punishments are unfair. The objective must be to treat students the same and to keep them all safe. The challenge is to reach that objective, fairly, and efficiently. The prohibition against total cessation of services should be maintained and states should be required to develop alternative settings for students who commit infractions that merit expulsion or long term suspensions.

When students are punished, it is AASA's position that every state should implement a system of alternative schooling for dangerous students administered by juvenile authorities that are experienced in serving such students. In this setting, students would continue their education, but other students would not be imperiled. This system should be administered by an agency skilled at working with incarcerated and dangerous youth, where dangerous students can be schooled until they are able to rejoin their peers in a regular public school or complete their education in safety. The public concern for safety and the issue of fairness calls for action now.

Some may say that the states cannot afford a system of alternative schools. That is simply wrong. The states are awash with surpluses from the strong economy. Even if state coffers were not overflowing, the number of dangerous students is so small (about 6,000) that the cost would be negligible when spread across 50 states. For example, 6000 students could receive an education funded at the national per pupil average of $6,700 for only $40 million, a tiny fraction of current state surpluses. Moreover, this amount represents a diminutive portion of the funds states receive from the federal government through the crime bill, the juvenile justice bill and the safe and drug free schools act.

Thank you again for your leadership on this important issue.

Sincerely,

BRUCE HUNTER,
*Director of Public Affairs.*

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NATIONAL SCHOOL BOARDS ASSOCIATION,
*Alexandria, VA, June 16, 1999.*

Re support for the IDEA safety amendment to the juvenile justice bill.

Hon. CHARLIE NORWOOD,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE NORWOOD: On behalf of the nation's 95,000 local school board members, the National School Boards Association wishes to express its full support for your school safety amendment to the Consequences for Juvenile Offenders Act of 1999 (H.R. 1501). Your amendment would allow school officials to treat students receiving special education services in the same manner as other students when guns or weapons are involved. This amendment will help local schools and communities better address the serious safety issues involved when a student brings a gun to school.

By giving school officials a broader range of options, your amendment will better enable them, on a case-by-case basis, to balance the needs of a particular child with the goal to keep schools safer and more conductive to learning for all. Further, your amendment sends an important message to all students that carrying or possessing firearms on school grounds will not be tolerated. That message is not clear under the dual system, currently created by the Individuals with Disabilities Education Act (IDEA).

At the same time, your amendment carries three important protections relating to the rights of children with disabilities. First, the amendment only authorizes disciplinary action if it is provided in the same manner as the discipline for other children who bring weapons to schools. Second, students would be able to assert the defense that their actions were unintentional or innocent. Third, during their suspension or expulsion, students served by IDEA can only be denied services if state law permits the denial of education services to other students during their suspension or expulsion. Additionally, local school officials could, if they chose, provide services.

Under current practice, school systems across the United States (consistent with the federal Gun-Free Schools Act) maintain policies authorizing the removal of students who bring firearms to school. Federal law very substantially limits that option if a child is served under the IDEA. Currently school officials may only assign students to an alternative placement for up to 45 days. In practice, this may not result in the removal of an unsafe student.

In sum, your amendment creates a very narrow exception—with appropriate protections—to the IDEA discipline system in order to cover a very important safety issue. School officials needs this case-by-case discretion to ensure that America's schoolchildren and school employees are not subject to unnecessary risks or occurrences of students bringing firearms to schools.

If you have any questions, please call Michael A. Resnick, associate executive director.

Sincerely,

ANNE L. BRYANT,
*Executive Director.*

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for making a great speech.

Mr. NORWOOD. Say it again.

Mr. SCOTT. I will say again, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for making a great speech.

Unfortunately, when we consider measures like this we ought to focus on deliberation, not great speeches at the last minute.

The fact is that we considered this very proposal for over a year in the deliberations in the reauthorization of the Individuals With Disabilities Education Act. We had numerous hearings. Teachers, educators, police officers, everybody had their say; advocates; every view was considered. We considered this proposal for over a year. In fact, it was one of the major provisions.

□ 1715

It was a provision that, in fact, got most of the attention in the reauthorization.

This proposal was rejected after that deliberative process. Now without deliberation, we are subjected to great speeches, and we are trying to change the law on the floor of the House. This did not even go through committee. Here it is on the floor.

Now, we heard a lot of talk about may and shall, what happens if they may, and what happens if they shall. Let us go back to where the Individuals with Disabilities Act was passed in the first place. When it was passed, disabled students got no education. Millions of students were given no educational services, and now they get educational services because the law makes them provide it.

Now, they talk about a big problem. There is a big problem, Mr. Chairman, and that is because school systems want to stop serving disabled children. They want to kick them out of the classroom and fail to provide any services at all. So of course it is a big problem. They do not want to provide. They do not want to abide by the law. They want to stop serving children.

Now, let us get a couple of facts on the table. First of all, the schools can remove the students for public safety. They can take them right out of the classroom just like everybody else, same penalty as everybody else, get them out of the classroom. But they must continue educational services, which may be provided in an alternative school, may be provided at home, might even be provided in prison. They can get the student out of the regular classroom for safety, but they have to continue educational services.

Now, everybody knows that stopping the services to children is a bad idea, that the crime rate will go up if we just suspend people without any services. Now, if we are interested in equality, what we ought to be doing is continuing services for everybody else in addition to those under IDEA.

Let me remind my colleagues what I said in my opening remarks, a letter from ''Fight Crime/Invest in Kids,'' the National Coalition of Police Chiefs, Prosecutors and Crime Victims said, ''Giving a gun-toting kid an extended vacation from school, and from all responsibility, is soft on offenders and dangerous for everyone else. Please don't give those kids, who most need adult supervision, the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.''

But if we insist on a bad policy for some, please do not change the law to inflict that bad policy on disabled children. The fact is that the children will not disappear when they are suspended from school without services. They remain in the community without support and are more likely to endanger the public. Then what happens after the end of the year, when they come back a year later, further behind than they left? Obviously the schools will not be any safer in that situation.

But, finally, Mr. Chairman, this is a juvenile crime bill. We ought to get serious. If this amendment is adopted, the crime rate will go up.

Mr. TALENT. Mr. Chairman, I rise today in strong support, as one of the cosponsors of the Norwood, Barr, Talent IDEA amendment which will allow schools to enforce a uniform discipline policy for all students who bring weapons into the schools.

Mr. Chairman, after the tragic incidence at Columbine High School I met privately with superintendents from around my district. I was interested in finding out what they were doing to combat violence in their schools, and what the federal government could do to help. They are already quite active in trying to stop this violence before it starts, chiefly by keeping in close touch with students. They had one, concrete, urgent request. They wanted the authority to discipline violent students, even students classified as disabled, under the Individuals with Disabilities Act (IDEA). In fact, their request was consistent with what I have been hearing from parents, teachers, principals, school boards and superintendents from across the state of Missouri for years.

Currently, schools are forced to administer two separate and conflicting discipline codes for dealing with dangerous or violent behavior in schools—one for non-disabled students and one for disabled students. Nationwide, of the 45.6 million students—5.8 million students were covered by IDEA in 1996–1997. In other words 12%—or 1 in 8 students nationwide and 1 in 7 in Missouri are subject to more permissive discipline rules under IDEA.

The parents, teachers, principals, school boards and superintendents in my district are telling me that the federal government is sending a mixed message to students on the issue of weapons in the schools. An IDEA student who possesses a weapon in school is subject to an entirely different discipline standard than other students simply because of his disability.

For example in a school in Missouri a non-disability student gave a weapon to an IDEA student. The IDEA student was caught in possession of the weapon. The IDEA student was removed from the classroom and placed for 45 days in an alternative education setting. On the other hand, the non-disability student, who gave the IDEA student the weapon, but was not actually caught in possession of the weapon—received a one year suspension and no alternative education services.

One school district in Missouri had 9 incidents of weapons in the middle and high school this school year—2 cases involving explosives and 7 cases involving knives. Of these 9 cases 6 were IDEA students and as such the schools could only remove these students from the classroom for up to 45 days. In addition, the school district was required to provide alternative service to these students at either their suspension school off campus or through personal instruction at home. On the other hand, the 3 general education students were either expelled or suspended for the year and the school district was not required to provide alternative services to these students. What sort of message does this send to the students of this district?

In Southwest Missouri an IDEA student brought a knife on the school bus and threatened to kill specific students. The school district's hands were tied—all that could be done was remove the student from the classroom and place in an alternative education setting for 45 days. Pending the outcome of a manifestation determination review, and due to IDEA's stay put provision, this violent student returned to the classroom after only 45 days. The parents of the other students were very upset about the school's inability to keep this dangerous student out of the classroom and threatened to pull their children out of school.

This amendment is very simple, Mr. Speaker—it gives school authorities at the local level the ability to remove from the classroom any student who brings a weapon—regardless of whether or not they are a disability student. This amendment will allow school personnel to discipline, including expel or suspend a student with a disability who intentionally carries or possesses a weapon at school—just as they would for a regular student. School districts would then have the discretion to decide whether or not to provide alternative services to the IDEA student removed from the classroom, provided that they treated that student the same as other students in similar circumstances.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 128, not voting 6, as follows:

[Roll No 227]

AYES—300

Aderholt
Allen
Andrews
Archer
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Baird
Baker
Baldacci
Ballenger
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Barr
Barrett (NE)
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Brady (TX)
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Burton
Buyer
Callahan
Calvert
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Campbell
Canady
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Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
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Franks (NJ)
Frost
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Green (WI)
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Hall (OH)
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Hayworth
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Hill (IN)
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Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
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Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
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Klink
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Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
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Oxley
Packard
Paul
Pease
Peterson (MN)
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Price (NC)
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Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
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Skelton
Smith (MI)
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Spratt
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Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
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Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vento
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
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Wolf
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Wynn
Young (AK)
Young (FL)

NOES—128

Abercrombie
Ackerman
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clyburn

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| Conyers | Jones (OH) | Pelosi |
| Coyne | Kennedy | Rahall |
| Crowley | Kilpatrick | Rangel |
| Cummings | Knollenberg | Reyes |
| Davis (FL) | Lampson | Rivers |
| Davis (IL) | Lantos | Rodriguez |
| DeFazio | Lee | Ros-Lehtinen |
| DeGette | Lewis (GA) | Roybal-Allard |
| Delahunt | Lowey | Rush |
| DeLauro | Luther | Sanchez |
| Deutsch | Maloney (NY) | Sanders |
| Diaz-Balart | Markey | Sandlin |
| Dixon | Martinez | Sawyer |
| Doggett | Matsui | Schakowsky |
| Engel | McCarthy (MO) | Scott |
| Eshoo | McCarthy (NY) | Serrano |
| Evans | McDermott | Sessions |
| Farr | McGovern | Slaughter |
| Fattah | McKinney | Souder |
| Filner | McNulty | Stabenow |
| Ford | Meehan | Stark |
| Frank (MA) | Meek (FL) | Strickland |
| Frelinghuysen | Meeks (NY) | Stupak |
| Gejdenson | Millender-McDonald | Thompson (CA) |
| Gephardt | Miller, George | Thompson (MS) |
| Gilman | Mink | Tierney |
| Gonzalez | Moakley | Towns |
| Goodling | Morella | Udall (NM) |
| Green (TX) | Murtha | Velazquez |
| Gutierrez | Nadler | Walsh |
| Hastings (FL) | Napolitano | Waters |
| Hilliard | Neal | Watt (NC) |
| Hinchey | Olver | Waxman |
| Hinojosa | Owens | Weiner |
| Hoeffel | Pallone | Wexler |
| Hoyer | Pascrell | Weygand |
| Jackson (IL) | Pastor | Woolsey |
| Jackson-Lee (TX) | Payne | |

NOT VOTING—6

| | | |
|---|---|---|
| Brown (CA) | Houghton | Shays |
| Carson | Salmon | Thomas |

□ 1740

Mr. DIAZ-BALART and Mr. BLAGOJEVICH changed their vote from ''aye'' to ''no.''

Mr. VENTO and Mr. WYNN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 40 printed in part A of House Report 106–186.

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

Mr. FLETCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 40 offered by Mr. FLETCHER:

Page 4, line 18, strike, ''and''.

Page 4, line 21, strike the period and insert a semicolon.

Page 4, after line 21, insert the following:

''(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

''(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Kentucky (Mr. FLETCHER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. FLETCHER).

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

Mr. Chairman, today we are addressing a growing problem that has stemmed from a cultural change that has robbed some of our youth of their moral pinnings. We have often failed to give our children the guidance necessary to understand the difference between right and wrong and the real-life consequences of violent behavior. While we can and should hold our youth more accountable for their behavior, I believe we should foster families, schools and communities that engender character.

The recent rash of school violence stuns us all and raises the question, ''Where have we gone wrong?'' Noted criminologist James Q. Wilson says his studies have all led to the same conclusion: Crime begins when children are not given adequate moral training and when they do not develop internal restraints on impulsive behavior. Forensic psychologist Shawn Johnson says the killings reflect ''A deterioration of moral teaching'' and of the social structure that traditionally imparted that teaching. Chuck Colson said, ''We're experiencing the death of conscience in this generation of young Americans.''

There is no question that loving, caring parents are primary in building our children's character, but with latchkey kids, the prevalence of violence and obscenity in popular culture, and the deterioration of the family, teachers are assuming a role of growing importance.

□ 1745

Children spend the majority of their day in the classroom, and too often many lessons taught fail to emphasize the importance of citizenship and respect in our shared community.

The Founding Fathers believed that education serves a dual purpose, to prepare children academically as students and ethically as citizens. They acknowledge the importance of individuality without ignoring the fact that the freedom to exercise their rights as an individual is a privilege afforded to responsible members of a democratic society.

Thomas Jefferson said, ''The government is best which governs least because its people discipline themselves.''

Personal liberties are the product of personal responsibility. In the event that individuals do not keep up their part of the social contract, we have the judicial system, which is rooted in a system of absolutes where people are deemed law-abiding or law-breaking.

To some, the idea of moral absolutes is outdated, and some believe it is too controversial to teach. It is no wonder that we have seen an increase in juvenile crime, especially crime based on prejudice, hatred, and anger.

Former Secretary of Education William Bennett had this to offer: ''We should not use the fact that there are indeed many difficult and controversial moral questions as an argument against basic instruction in this subject. We do not argue against teaching biology or chemistry because gene splicing and cloning are complex and controversial.''

Especially in light of the recent school tragedies, I believe that the time has come to emphasize character education in our schools. We need to encourage the work that is already being done in some States. For example, my own State, Kentucky, has developed a character education curriculum which is being used in many schools, and many school districts across the country are using the Character Counts program successfully. This grant from this amendment would be available for such programs.

That is why I am offering an amendment to the Consequences of Juvenile Offenders Act of 1999 that will allow local education agencies to form partnerships designed to implement character education programs that reflect the values of parents, teachers, and local communities and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness. Surely no one could oppose these.

I urge my colleagues on both sides of the aisle to support this amendment.

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

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to claim the time in opposition although I may be supporting the amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. Chairman, I would like to ask the sponsor of the amendment a question. Several people have asked a question as to whether or not it is the intent of the sponsor and the legislative intent to read the amendment in light of the Supreme Court cases interpreting the establishment of free exercise clauses of the Constitution. The question is whether or not they are trying to overturn those cases or whether this should be read in light of the existing law.

Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. FLETCHER. Mr. Chairman, I say to the gentleman from Virginia (Mr. SCOTT), there is nothing in this amendment that would impose anything against the Constitution and that amendment. It clearly supports the local character education curriculum, which is already being conducted. It will provide grants for the instruction, as well as activities. And these are things that have withstood constitutional muster so far.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would like to thank the

gentleman for that answer, because if it is to be read in light of the Supreme Court cases, then it is obviously the kind of amendment that is perfectly consistent with the underlying bill. In fact, I think it probably could be funded under some of the provisions of 1150 that we have already adopted. But it is the kind of partnership and kind of education that can help our young people stay out of trouble in the first place.

With that answer, Mr. Chairman, I would heartily endorse the amendment.

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

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I am pleased to join my friend and colleague the gentleman from Kentucky (Mr. FLETCHER) in co-sponsoring this amendment. I appreciate the remarks of the gentleman from Virginia (Mr. SCOTT).

Our amendment will allow local schools to go to work with their communities to develop character-based education programs that will complement their current coursework. I believe that we need to give local schools the resources to teach character-based education and deal honestly with forces in our culture that are diminishing the family.

I visited two elementary schools in the 8th District of North Carolina over the Memorial Day work period. At East Washington Street Elementary School in Rockingham, the principal specifically asked me to speak to the students about the importance of character and citizenship.

The second school I am especially proud of. Shiloh Elementary in Monroe was recognized as a Blue Ribbon School by the Department of Education. In fact, Shiloh Elementary has also been nominated for an award by the Department of Education for its character education programs. I will insert their efforts at the end of my remarks.

The school's administration has incorporated parent and local community groups to help instill the values of honesty and good citizenship into the everyday lives of their students. They, too, asked me to speak about character and citizenship, and I was glad to do that for them.

''Shiloh Elementary School is where it all comes together,'' states the Department of Education Blue Ribbon School Report. This simple statement speaks volumes about Shiloh's vision, caring adults who lead by example to share what stewardship for our world is about.

Students come here and meet parents who only want the best for their children. The local Kiwanis Club in Monroe sponsors the Terrific Kids awards program, which puts emphasis on character education not only in school, but throughout the community. Great satisfaction comes from cooperation among all the stakeholders in the community.

Volunteers frequent the halls of Shiloh, adding extra support where needed. Administrators and teachers search for creative means of enabling the school to fulfill its vision. This kind of commitment makes Shiloh stand out. Through this team effort, the result is predictable: Students who practice caring and sharing and kindness.

Shiloh, unfortunately, is the exception to the rule. Most schools do not have a successful character education program.

This amendment provides the resources for schools across the country to develop a local character and value based program, like Shiloh Elementary, without having to divert the resources for their other essential needs, like books, teacher pay, and supplies.

Parents today are faced with incredible challenges in raising children. We need to give our schools leadership, resources, and flexibility to help parents meet these challenges. We need to empower our local teachers and families to work with their communities to incorporate the timeless aspects of character, honesty, integrity, citizenship, courage, respect, personal responsibility and trustworthiness. Let's send a strong message home that we want to help our students blossom into responsible citizens and are willing to do whatever it takes to help them accomplish their goals.

SPECIAL EMPHASIS AREA

CHARACTER EDUCATION

Strolling through the halls of Shiloh Elementary School is a delight—much care has been taken to create a nurturing learning environment and emphasize the importance of character education in the life of the school and the children. In effective ways, the Bullseye Class of the Month is spotlighted (complete with the class' picture), keywords (e.g., honesty, loyalty, and respect) are displayed in many innovative ways: Incorporated into the gymnasium red, white and blue theme, in classrooms hanging from the ceiling, and on TV monitors in the cafeteria. Blaze the Bulldog (the school's mascot) displays the Bullseye words for each month. It was interesting that March's word (honesty) was also posted in Spanish. In the interview with students (individually and as a group) they were very proud of wearing a badge for being one of Shiloh's Best Behaving Bulldogs—a program which awards badges to wear on Monday for displaying excellent behavior. (The site visitor toured the building on Monday, and it was rewarding to see so many buttons!)

An effective recognition initiative tied very closely to the schoolwide emphasis on character education is the Terrific Kids Program sponsored by the local Kiwanis Club. Students from each classroom are honored monthly for displaying good citizenship, improved behavior, and/or improved academics by posting their pictures and celebrating this recognition in a breakfast (provided by the PTA) with parents invited as well. (Again, on the site visit it was heartening to so proud parents of Terrific Kids enjoy the before-school celebration with their Terrific Kids. In summary, this overall category focusing on Character Education came alive through reading Cathy Frailey's newspaper article about the success of the Bullseye class published in the local newspaper, The Enquirer Journal, and, above all, the respect demonstrated by the students and teachers. When students open the door for adults (like the site visitor) and respect school and classroom rules, these are evidence that character education is an integral part of the total school program, and decisionmaking is based on the core values necessary to create a caring and democratic community.

(1) Shiloh Elementary School clearly puts into practice restitution (along with using consequences) for violations. For example, when students do not complete homework, the principle of restitution comes to the forefront by assigning homework hall according to school guidelines. For students who do not demonstrate appropriate behavior (and these are absolutely minimal), schoolwide discipline policy takes over with described restitution (e.g., fulfilling a cafeteria responsibility if that was the violation site). Respect and responsibility go hand-in-hand at Shiloh.

(2) Developing an intrinsic commitment to values begins the first day students begin school. Pride, honesty, and loyalty are instilled in children in the early grades as verified by an entire school building (halls, classrooms, common areas like the cafeteria, gymnasium, and restrooms) and grounds which are immaculate and cared for as a result of students' making responsible decisions. Children in this school community follow school rules because it is the right thing to do—without any fanfare or rewards involved. When new students enter Shiloh, present students, as well as the entire staff, model respectful behavior which serves as intrinsic teaching tools. Keywords reflecting the basis of character education are discussed in the classroom, for example, through literature and are on display throughout the building in creative ways (e.g., TV monitors in the cafeteria)—all of which develop an intrinsic commitment to values.

Mr. SCOTT. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to support this amendment to help put character education in our Nation's schools.

As the former superintendent of my State's schools, I know firsthand that character education can make a difference to teach our children values and make our students well-rounded and prepare them for good citizenship. We installed character education in the schools of North Carolina in the 1992–1993 school year.

Across my congressional district today, school leaders have developed character education initiatives that are making a difference for stronger schools and better communities.

Wake County, our capital county, has become a leader through its innovative effort called ''Uniting for Character.'' In Johnston County, the principal of Selma Elementary School directly attributes 59 fewer suspensions between the 1995–1996 school year to their character education program. And CBS News in the last couple of weeks has profiled the successful character education program on their national program in the Nash-Rocky Mount school system.

Mr. Chairman, character education works because it teaches our children to see the world through a moral lens.

Children learn that their actions have consequences. Teachers work with parents and the entire community to instill the spirit of shared responsibility.

Character education emphasizes values such as courage, good judgment, integrity, kindness, perseverance, respect, and self-discipline.

As the father of two public school teachers, my heart aches for the victims of the recent violence in our public schools. Character education will help build solid citizens and safe schools.

This amendment will allow State and local educational agencies to form partnerships designed to implement character education. These programs will reflect the values of parents, teachers, and local communities. They will incorporate elements of good character, as I have said, which include honesty, citizenship, courage, respect, personal responsibility, and trustworthiness.

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, character counts. At least, it should count. Children are not born with good character. It is learned through direct teaching and through observation.

I, consequently, rise in very strong support of the Fletcher-Hayes amendment to allow State and local educational agencies to work together to develop character education programs.

Children make up about 27 percent of the population, but they are 100 percent of our future. We must help them develop habits of good character that are essential to the well-being of America.

I want to point out that I am very proud that within my congressional district, the city of Gaithersburg, Maryland, is a ''character counts'' city. Gaithersburg first embraced this ethics education program in 1996, and it does work. A commitment was made to bring the program to every child in the city, and it even incorporated ''character counts'' into the mission statement and vision of the city.

The city is guided by six pillars of ethics. They are responsibility, respect, caring, fairness, trustworthiness, and citizenship.

The city tries to set a model example for other cities to follow by addressing citizen needs with a caring attitude, promoting a spirit of fairness, trustworthiness, and respect among city officials.

The city advocates good citizenship and feels it has a responsibility to its citizens to strive for excellence in all of their endeavors. As a matter of fact, it has the school, the business communities, the religious organizations, the social organizations all using the same motto and the same six pillars of character.

The Fletcher-Hayes amendment will help other communities implement character education programs that reflect the standards of their citizens. The amendment will encourage community leaders, school systems, nonprofit organizations, business groups, youth groups, and individuals to join together to take a stand for values in American society.

I urge a ''yes'' vote on the Fletcher-Hayes amendment.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. PORTMAN).

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Chairman, I thank my friend from Kentucky (Mr. FLETCHER) for yielding me the time.

Mr. Chairman, I like this amendment because I think it will empower and encourage parents. There is discussion going on all around this country following the tragic Columbine shootings. The discussions we have had on the House floor over the last 2 days is only one place that is happening. It is happening in school board meetings. It is happening, very importantly, around kitchen tables. It is happening in State legislatures.

I think the one thing that all of us need to focus on is that despite a lot of ideas that have been put forward that are meant to address the problem of youth violence and what happened in Columbine, none are going to work unless we focus on character and I think unless we focus on family and parents.

We might feel better having passed some of the legislation we are going to pass here in the next day, but I really do not believe it is going to change the root causes of youth violence. That is why I like this amendment, because it gets parents engaged, it empowers them to get involved.

If we are going to solve the problems in our society of youth violence, substance abuse, all the data shows, as James T. Wilson says, and I am glad the gentleman from Kentucky (Mr. FLETCHER) quoted him earlier, we have got to get our family back engaged with our children.

As a parent, a father of three young children, I know that, and I think most of my constituents know that. And I think they believe that anything we can do here in the U.S. Congress to encourage our families to go stay together, to encourage families to provide guidance, to encourage families to give children a sense of right and wrong, that that will make the most fundamental difference in terms of avoiding future tragedies like the one that occurred in Columbine.

So again, Mr. Chairman, I am delighted to support this amendment, and I urge its passage.

The tragic shootings at Columbine High School have started a national discussion on what we can do to prevent such violent acts in the future. The debate we had here in the House of Representatives over the past 2 days has taken place across the country in state legislatures, town halls—and, more importantly, in school board meeting rooms, at the workplace and around the kitchen table.

There's been a lot of soul-searching—and some of the ideas that have been put forward—including those aimed at cleaning up our popular culture—are helpful and should be adopted. Other proposals may make us feel as though we're doing something, but I don't believe they will change the root causes of youth violence.

Throughout this national dialogue, I hope we do not overlook what I view, as a legislator—but, more importantly, as a father of three young children—as the most important factor in preventing these shocking and senseless acts of violence. There is no more powerful influence on a young person's life than a family, particularly an engaged, concerned and caring parent—and, where there is not a parent in the home, then a caregiver, a role model, who takes on the solemn responsibilities of parenthood.

I've seen it firsthand in my work on the problem of reducing teenage substance abuse and have read it in many studies on drug abuse and reshaping adolescent behavior. In fact, based on sound surveys, researchers believe we could reduce teenage drug use by as much as 50 percent if parents would simply engage and talk to their kids about the dangers of drugs. That's a remarkable statistic, and a true testament to the power of family, and to the dangers of disengagement and apathy.

Unfortunately, we've seen too many examples of problems that arise when parents aren't actively involved in their children's lives. A recent Letter to the Editor in one of my local papers—the Cincinnati Post—put it well, ''Parents are so involved in their own activities and life that they have forgotten . . . how much the children look to them as the example.''

Children look to us—their parents—as role models, and they also look to us for guidance. I hope the Columbine tragedy and the dialogue it has spawned leads us; as parents, to do a better job of setting boundaries for our kids.

I thought Cincinnati Enquirer columnist Laura Pulfer described our challenge as parents in a recent column she wrote: ''Right and wrong. Good and bad. Yes and no. We can say these words, especially to our children. In fact, it is our duty.''

Mr. Speaker, let's keep our eye on the ball. The best way to get at the root cause of youth violence is for all of us to take a more active role in the lives of our young people. America's future depends on it.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of this amendment. So much of the debate today has been either/or, either we do gun control or we do character programs, or we put more religion in the schools and so on. For the most part, all of the above is the right answer. We ought not suggest that doing one thing enables us to exclude the other. Values do matter. Character counts. And schools are increasingly the one place where we can really get kids' attention. It is a captive audience. Unfortunately, as we have more and more families both of whose parents are in the work force,

schools may present the best opportunity to instill an appreciation and respect for the values that, in fact, have made this country great, and enable us to live within a civil society.

□ 1800

I have seen this Character Counts program. I was impressed with it. I did not think I would be as impressed as I was. It works, the amendment is a good idea, let us include it.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Fletcher-Hayes character education amendment. Our children spend at least 7 hours a day, 5 days a week in their schools. It is a large part of their day away from their parents. When parents entrust their sons and daughters to our Nation's schools, they hope that their children will continue to be taught things like honesty, citizenship, courage, respect, personal responsibility and trustworthiness. That is what this amendment attempts to ensure, by giving local communities the freedom to develop a character education program consistent with local values.

I have with me an example of the type of character education that could be taught to our children. This is a lesson on attentiveness. The goal is to teach children to look at people when they speak to them, ask questions if they do not understand, sit or stand up straight, not draw attention to themselves, keep their eyes, ears, hands, feet and mouth from distractions. These sound like good lessons for all of us.

In April of this year, the Florida legislature passed a law requiring character development in elementary schools. One of the supporters of that law said, ''This is Florida's answer to the tragedy in Littleton, Colorado.''

While I do not believe that character education will solve all the problems of our Nation's youth, I do believe that the character of our Nation's youth is worth investing in. I urge support for the amendment

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

Mr. FLETCHER. Mr. Chairman, I yield myself such time as I may consume. I really appreciate the gentleman from Virginia (Mr. SCOTT) and the others that have spoken in bipartisan support for this bill. I think it is just crucial as we look at what has happened recently with these tragedies in the schools that we have a national focus on character education. What this amendment does is provide for grants that can be used for character education curriculum and for other activities. For those students also that are identified as having problems, troubled students, that they can provide activities that build character for them, also.

I think with this national attention, and let me make the point this is not a mandate and this is not a national curriculum. This gives the flexibility and the resources and the encouragement of local communities, schools, with parents and teachers and a partnership that they can implement character education, have the resources to implement that program to certainly encourage the character of our youths.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER).

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

Mr. FLETCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) will be postponed.

It is now in order to consider amendment No. 41 printed in part A of House Report 106–186.

AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. FRANKS of New Jersey:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**TITLE ___—CHILDREN'S INTERNET PROTECTION**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Children's Internet Protection Act''.

**SEC. ___02. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.**

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

''(l) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

''(1) IN GENERAL.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

''(2) CERTIFICATION FOR SCHOOLS.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school shall certify to the Commission that it has—

''(A) selected a technology for computers with Internet access to filter or block—

''(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

''(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

''(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

''(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

''(3) CERTIFICATION FOR LIBRARIES.—To be eligible to receive universal service assistance under subsection (h)(1)(B),a library shall certify to the Commission that it has—

''(A) selected a technology for computers with Internet access to filter or block—

''(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

''(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

''(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

''(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

''(4) TIME FOR CERTIFICATION.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date that rules are promulgated by the Federal Communications Commission, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

''(5) NOTIFICATION OF CESSATION; ADDITIONAL INTERNET-ACCESSING COMPUTER.—

''(A) CESSATION.—A school or library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

''(B) ADDITIONAL INTERNET-ACCESSING COMPUTER.—A school or library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

''(6) POSTING OF NOTICE.—A school or library that has filed a certification under paragraph (2) or (3) shall post within view of the computers which are the subject of that certification a notice that contains—

''(A) a copy of the filter or block certification;

''(B) a statement of such school's or library's filtering or block policy; and

''(C) information on the specific block technology in use.

''(7) PENALTY FOR FAILURE TO COMPLY.—A school or library that fails to meet the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance the school or library received under subsection (h)(1)(B) after the date the failure began.

''(8) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED.—For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making that determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(9) NO PREEMTION OR OTHER EFFECT.—Nothing in this subsection shall be construed—

''(A) to preempt, supersede, or limit any requirements that imposed by a school or library, or by a political authority for a school or library, that are more stringent than the requirements of this subsection; or

''(B) to supersede or limit otherwise applicable Federal or State child pornography or obscenity laws.''.

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (l), all telecommunications''.

**SEC. ___3. FCC TO ADOPT RULES WITHIN 4 MONTHS.**

The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 (as added by this Act) within 120 days after the date of enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

MODIFICATION TO AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent that the amendment be modified by the modification placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 41 offered by Mr. FRANKS of New Jersey:

On page 2 of the amendment on line 18 before the word ''materials'' insert ''during use by minors,'' and on page 3 of the amendment on line 17 before the word ''materials'' insert ''during use by minors,''.

The CHAIRMAN pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume. The Internet has opened up an exciting world of discovery for our children. Today across America an estimated 15 million kids have access to the Internet. According to the Department of Education, more than half the classrooms in the Nation are now wired to the net. Within seconds, our children can find up-to-date information on every conceivable topic that they are studying in school.

But this extraordinarily powerful learning tool can also have a dark and threatening side. Pedophiles and other criminals are using the Internet to contact our children in those places where we want to believe they are most secure, in our homes, our schools and our libraries. The reality is that materials breeding hate, violence, child pornography and even personal danger can be waiting only a few clicks away.

The group Cyber Angels, a computer savvy affiliate of the Guardian Angels, has documented more than 17,000 Internet sites devoted to child pornography and pedophilia. Moreover, the FBI reports that pornography sites are now the most frequently accessed sites on the Internet.

And our children do not have to be actively looking for pornographic web sites to be exposed to adult-only material. For example, a child researching the presidency of the United States for a school report would probably turn to the White House web site, whitehouse.gov, but if they mistakenly typed in whitehouse.com, they would find themselves exposed to hard-core pornography. In fact, a recent study conducted by the Internet monitoring group Cyvelliance found that operators of pornographic sites frequently use brand names that are popular with kids in an effort to draw unsuspecting children to their web sites. The most popular names invoked by the pornography industry relate to Disney, Nintendo and Barbie.

Yet in spite of all these potential dangers, I believe every child in America should have access to these amazing learning tools, provided we take special precautions to protect our youngest, most vulnerable citizens.

The amendment that I am offering would require schools and libraries to use filtering technology if they accept Federal subsidies to connect to the Internet. Filtering technology, which many parents have already installed on their home computers, would keep materials designed for adults only out of the reach of our children.

I recognize that some in the educational community, including some in the American Library Association, believe that all Americans, regardless of age, should have unlimited, unfettered access to all the material on the Internet. But the concept of placing restrictions on the kind of information available to our children is nothing new. For generations, schools and libraries have routinely decided what books are appropriate for our children to read.

This amendment would merely require that these institutions use that same standard of care when it comes to the latest advances of the Information Age.

Lastly, it is important to note that while this amendment requires schools and libraries to use blocking technology, it leaves it up to the local school district and library board to determine the type of filtering technology to use. It is important that parents and educators in our local communities set their own standards. In light of the Federal Government's important continuing role in supporting Internet access to schools and libraries, this amendment is prudent and necessary. It will ensure that our children can take advantage of this revolutionary learning tool without being assaulted by materials that are not only inappropriate but dangerous for our children.

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

Mr. SCOTT. Mr. Chairman, I yield 2–3/4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we all want to protect children and provide them with safe communities in which to grow. To achieve this worthy goal, we must work with local governments, schools and libraries. The amendment before us is not helpful. A new mandate would set regulations that would be nearly impossible to meet and would deprive schools of sorely needed funds.

The most important action Congress has taken to promote both the goal of quality education and connections to the broader world through the Internet is to be found in the Telecommunications Act of 1996. This special education rate, known as the E-rate, was part of the Federal Universal Service Fund providing important discounts of 20 to 90 percent on telecommunications services, Internet access and internal communications for public schools, public and private, as well as our library systems. It enjoys broad bipartisan support.

No one advocates allowing children access to pornographic materials, but this amendment is simply too draconian. Assuring that the children's Internet activity is safe is most appropriately made at the local level, not one by a new Federal mandate. There is no need for the amendment. We should recognize that students accessing the Internet from their local library or schools typically are receiving as much or more supervision than what occurs commonly in some homes.

This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology. The purchasing, installing and maintenance of this software is expensive and administratively burdensome at a time when most schools and libraries are struggling just to connect to the Internet. It allows only 30 days for districts and libraries to comply with the law after the FCC has promulgated the rules. With every State setting different procurement laws, there is no possible way schools and libraries all across the country could come up to speed, write an RFP, wait the allotted time for incoming bids, choose a provider, install the software, and provide the training, all within 30 days.

After giving us an impossible deadline, the amendment requires schools that fail to meet the requirements repay the full amount of universal service assistance back to the date the failure began. Retroactive repayment of universal service support for noncompliance is unrealistic.

Across the Nation, communities are already working to assure that children's Internet access is properly guided. They are utilizing all the options available to them and choosing those that best meet the needs of those local communities. We ought to trust our local library boards and school boards. Imposing a Federal mandate is inappropriate and unnecessary.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING), my original cosponsor.

Mr. PICKERING. Mr. Chairman, I am proud and pleased to rise in support of the amendment as an original cosponsor with the gentleman from New Jersey.

I would like to take a second to address some of the issues raised by the gentleman from Oregon. In 1996, the Telecommunications Act was passed that set up the E-rate that is now providing $1.6 billion in subsidies to link our schools and libraries to the Internet. Now, this opens up educational and discovery opportunities and learning opportunities as a tool for our teachers. It is a zone of discovery but it is also a danger zone.

The gentleman from Oregon said that this is costly and difficult to do. What is the cost of not protecting our children? Let me share one example that I have learned of today. An 11-year-old boy went to a public library and began viewing a pornographic site. He returned to his neighborhood where there was a 5-year-old little girl next door and he molested her, acting out the scenes he saw at the public library. He was arrested. Pornography destroys families, as it destroyed the youth and the innocence of this little girl. The gentleman from Oregon mentioned cost, most of these filtering products are $25 to $50. Is that too high of a cost to protect our children from pornography? Each school district has the opportunity to decide which technology is best. It is flexible, it is workable, it is the right thing to do to protect our children. It is constructed in a constitutionally sound way. The Littleton violence that we saw, the young, violent offenders of Littleton were looking at Internet sites to see how to construct a bomb, hate-filled sites.

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With these commonsense filters, we can protect our children from access to violent, hate-filled sites, to pornographic sites, to obscene sites, which then lead them to act out very destructive behaviors.

Mr. Chairman, I ask the Members of this body to support this amendment, to protect our children, and to do what is right.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise today against the Franks-Pickering amendment. The Franks-Pickering amendment would terminate the E-rate benefits for schools and libraries that fail to implement filtering technology for computers with Internet servers and Internet access. While I agree with this premise, I feel that this amendment goes much too far.

The amendment would require schools and libraries to return their E-rate funds within 30 days if the schools do not comply with FCC rules. This requirement will financially and administratively burden schools and libraries that have to purchase and install this filtering software.

Most schools that receive E-rate funding are located in inner-city and rural areas. These schools are struggling to connect with the Internet, and this amendment would be an imposition that would set them back even more so.

Mr. Chairman, let us not widen the digital divide that already exists among our children. I urge my colleagues to vote against this amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, could I inquire of the Chair how much time remains on each side?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New Jersey (Mr. FRANKS) has 3½ minutes remaining; and the gentleman from Virginia (Mr. SCOTT) has 6¼ minutes remaining.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, if my colleagues were given a choice today as to whether or not to pass a bill that would provide Federal funds for the installation of Internet services and connections to our schools and libraries in a fashion that allowed the spending of that money without filters so that children could, in fact, access pornographic sites in those schools and libraries, if my colleagues had a choice of doing that, or they had a choice of passing a bill that provided Federal funds to schools and libraries which included filtering devices to make sure that the kids in those schools and libraries use the Internet for good reasons and not to access these sites, which would my colleagues choose?

Is there any doubt they would choose the latter? Is there any doubt that my colleagues would tell the FCC in this case, which is spending this money, that give to the schools only on condition that they put these filters in.

These filters are inexpensive, they are easy to install. The government is putting up the money anyhow, and if Federal dollars collected by the FCC are being spent to install these systems, is it so draconian to say that we ought to spend 50 of those dollars to make sure that that computer system has such a filtering device?

If the filters were not available, if the technology was not readily and cheaply available on the marketplace, my colleagues might have an argument. But this technology is abundantly available, it is inexpensive, and it is inexcusable for our Federal Government to be spending money, putting in Internet systems into schools and libraries without it.

What the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING) are saying is that when this money is spent by the Federal Government to assist our schools and libraries in connecting our children to the Internet, we have this simple little requirement that they include in their plan a filtering device, cheap, inexpensive, easily installed. Not to pass this would be a crime.

Mr. SCOTT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is unfortunate that we are coming here without any hearings. We do not know how much these things cost, whether they are effective or not. We do know that there have been complaints that the filters filter out some stuff that we might not want filtered, like AIDS education; or even the Society of Friends, the Quakers, or the Heritage Foundations have had their sites blocked by this kind of filter. Many pornographic sites are not blocked because they fail to use the magic words.

Mr. Chairman, we have not had any hearings, so we cannot get coherent answers to these questions. But we know that the measure is opposed by the National Education Association, the Education and Library Networks Coalition, the United States Catholic Conference, and the American Library Association, and the International Society for Technology in Education.

But if we are going to be serious about crime, we ought to use a deliberate process, enact those measures that will actually work to reduce crime, and stop coming up at the last minute with amendments for which we have had no hearings.

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

Mr. FRANKS of New Jersey. Mr. Chairman, I yield the remainder of our time to the gentleman from Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in support of the amendment.

I want to commend my friends from Mississippi and New Jersey for their foresight. Many of us who worked on the Child On-Line Protection Act and voted for it, which means virtually everybody within the sound of my voice who has a vote in this Chamber, as well as those on the floor who have worked on this issue understand the issue.

Let me just tell my colleagues what is at stake. The ACLU is sending out information trying to get Members to vote against this legislation, just the same kind of thing they did when they opposed the Child On-Line Protection Act, which passed unanimously in this body just less than a year ago.

Let me tell my colleagues about the ACLU and what they are telling us about children's exposure to graphic content. This is from a Communications Daily article where ACLU attorney Ann Beson is arguing against our Child On-Line Protection Act and is quoted as saying that there is, quote, ''no real harm,'' end quote, to children

in viewing sexually graphic material, and that it will not, quote, ''turn kids into sexual deviants.'' Since repression turns kids into deviants, that is the kind of opposition we are getting from common-sense legislation and amendments that are put forward by our friends from New Jersey and Mississippi, and why I was proud to join these two gentlemen as a cosponsor. That is the real crux of the issue. Is it too much to ask that those filtering processes be there? I think not. Let us support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to express my strong opposition to the amendment of the gentleman from New Jersey. As a father of two children attending public school systems in New York, and with another child on the way, I am for finding sensible approaches to address what our children are exposed to without infringing on any individual's constitutional rights.

Assuring that children's Internet activity is safe is a goal that we all strive to achieve. However, this amendment is not about addressing child safety at all. What it really is about is an attempt by those Members who fundamentally disagree with the E-rate program and want to eliminate it. This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology.

Before this body looks to find ways to eliminate the E-rate program, let us examine how this program benefits communities across this country, and in schools and libraries in low-income and urban and rural areas. They qualify for the highest discounts to assure that every American, regardless of age, income or location, has access to essential tools of the information age.

In the first year of the E-rate program, 47 percent of the dollars requested of the E-rate program were for schools and libraries serving economically disadvantaged students and library patrons. In addition, discount requests were received from all 50 States and several special jurisdictions, including the District of Columbia, Puerto Rico, the American Samoa, and the Virgin Islands.

This program benefits everyone: children, adults, lifelong learners, everyone. Communities across this country are already working to ensure that children's Internet access is properly guided. They are utilizing every available option and choosing those that conform to local needs and standards.

This amendment is unnecessary. What this technology does, it levels the playing field for the first time in the history of this country.

Mr. SCOTT. Mr. Chairman, I yield the balance of our time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING). The amendment would eliminate E-rate benefits for schools and libraries that fail to implement filtering or blocking technology for computers with Internet access.

Let me be clear. I do not advocate allowing schoolchildren access to pornographic materials, but the scope of this amendment is too broad and undefined. For example, it would require repayment of E-rate funds within 30 days if the school district is unable to comply with FCC rules. Procurement rules for individual school districts make it highly unlikely that schools will be able to comply, even though many are already seeking to do so.

Mr. Chairman, the strange thing about all of this is this: The Congressional Black Caucus went over to the FCC when the vote was taken for E-rate. The only people who voted against it were Republicans, despite the fact we made a lot of pleas with our colleagues about the digital divide, between the haves and the have-nots, and some of the same ones who spoke on this floor today who are against E-rate for poor children, for children who do not have access, are now here trying to set up another roadblock.

The E-rate program is instrumental in closing the digital divide that exists between the haves and the have-nots. The reality is that only 27 percent of America's classrooms are linked to the Internet. In poor and minority communities, only 13 percent of the classrooms are linked to the Internet. Schools in high-minority enrollment areas are almost three times less likely to have Internet access in the classrooms than predominantly white schools. While 78 percent of schools have at least one Internet connection, that connection is often only in the administrative office.

It is for these reasons, among others, that I have been an ardent supporter of the E-rate program. I am among the 74 percent of Americans who recognize that computers improve the quality of education. Let us not sacrifice the access to technology that our children in poor districts need so badly by succumbing to the rhetoric of this poorly drafted amendment. I urge a vote of no.

Let me just say this: For all of those Members who forever talk about how families should raise their children, let me just tell them something. I have a grandson who is a whiz, loves the computer, knows it backwards and forwards. I said to my daughter, do not block anything. You tell your son, my grandchild, what he is to do and what he is not to do, and you discipline him if, in fact, he violates the rules of your house.

For those people who want the government to take over the rearing of their children by dictating, by censuring, where is their ability to raise their children? Where is their will to discipline? Where is their desire to have some faith in their ability to instruct, to rear, and provide the kind of parenting that we all need to see in America, rather than thinking somebody else is going to do it for us?

My grandson will not be censured, and guess what? He is going to do what his mama tells him and what his grandmother tells him, and that is what is going to be the order of the day in their house.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. FRANKS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 42 printed in part A of House Report 106–186.

AMENDMENT NO. 42 OFFERED BY MR. MCINTOSH

Mr. MCINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 42 offered by Mr. MCINTOSH:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**TITLE ____—TEACHER LIABILITY PROTECTION**

**SEC. ____01. SHORT TITLE.**

This title may be cited as the ''Teacher Liability Protection Act of 1999''.

**SEC. ____02. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain

order, discipline and an appropriate educational environment.

**SEC. ___03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.**

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

**SEC. ___04. LIMITATION ON LIABILITY FOR TEACHERS.**

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

**SEC. ___05. LIABILITY FOR NONECONOMIC LOSS.**

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

**SEC. ___06. DEFINITIONS.**

For purposes of this title:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term ''school'' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term ''teacher'' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

**SEC. ___07. EFFECTIVE DATE.**

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I yield myself 3 minutes.

I rise today in strong support of this important school safety amendment, and I am pleased to be joined in by my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) in this effort.

Mr. Chairman, it is apparent from the debate over the last 2 days that many different lessons are being drawn from the recent school shooting tragedies that have staggered our Nation. However, I think there is one lesson that is clear to each and every one of us in this body. America's teachers must be freed up to use and to keep discipline in the classroom.

□ 1830

It is about time that Congress plays its part in protecting our teachers. I have traveled across Indiana and talked to teachers from all parts of that State. They tell me over and over again, they do their job but they do it in fear. They fear physical harm in the classroom from unruly students who may be violent, and educators equally fear lawsuits being brought against them by overzealous trial lawyers, lawsuits filed because a teacher breaks up a fight or because a teacher hugs a child who has fallen on the playground.

In Texas we have a report of a lawsuit of that type. What happened here was a student was throwing fruit in the classroom and being extremely disruptive. The teacher went over to this

young student and repeatedly asked him to stop. That is inappropriate behavior. The student began yelling obscenities, including the F word at the teacher, and continued his behavior.

So the teacher took the student, took him out of the room, took him down to the principal's office for appropriate discipline. Later the student and his family sued that teacher, saying that they had acted inappropriately. This case fortunately was dismissed, but it sent a pall throughout the classrooms in America when teachers can be subject to that type of lawsuit.

Frankly, it is just plain wrong to put our teachers in this predicament. We need to take lawsuits out of the classroom. Teachers should not fear losing their jobs, their livelihood, and their life savings as a result of those types of frivolous lawsuits.

That is why I have joined today with my colleagues to introduce this amendment, which takes an important first step toward protecting our teachers from unfair lawsuits. This amendment provides limited immunity from civil liability for teachers who are attempting to maintain order, control, or discipline in the classroom or in the school. It allows principals and administrators to take charge and provide leadership. It allows them to do so without fear of being subject to a lawsuit because some lawyer sees an opportunity to make a fast buck.

In fact, I want to share with the Members a letter from Bobby Fields, who is a teacher and assistant principal from LaPel High School, in my district. Mr. Fields wrote to me telling me of this real problem. I will quote from his letter:

''In recent years the threat of lawsuits have really hampered my ability to enforce adequate discipline in the classroom.'' We have no discipline in the classroom, and when that happens, there is no learning going on. Perhaps the most important benefit of this amendment is that teachers will be able to teach, not only the subject of the class, but a more general lesson, that there are limits, certain behavior is unacceptable, and that there are consequences when children do something that is wrong.

These more subtle yet very profound lessons will do more to ensure that our young people grow up with the values they need to be responsible. Frankly, I think it will help to ensure that we do not see a future Columbine or Springfield, Oregon, or Paducah, Kentucky.

Let me state emphatically what this amendment does not do. It does not provide protection if the professionals act inappropriately, act illegally, use drugs or are on alcohol. Second, it does not override State laws that provide for greater relief or immunity.

I would also like to remind my colleagues that the Senate passed a nearly identical amendment by voice vote when they addressed this view. So I ask my colleagues today to join me to free teachers from the threat of unnecessary lawsuits. Our teachers need and deserve our help. We can think of many of them who have influenced our lives. Let us give something back to them. Let us give them the freedom to teach again.

I urge my colleagues to vote for this amendment, and am pleased to be here with my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) as cosponsors.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Virginia (Mr. SCOTT) opposed to the amendment?

Mr. SCOTT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for the time in opposition.

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

Mr. Chairman, this amendment provides that a teacher acting within the scope of his or her employment, acting within conformity with local, State, and Federal laws, rules, and regulations would have immunity. But it seems to me, Mr. Chairman, that they would not need immunity because they would not be liable in that situation.

To the extent that that provision gives comfort and aid to teachers, it would be appropriate. Unfortunately, Mr. Chairman, it does not just provide immunity, it changes the laws on joint and several liability, and provides new standards for punitive damages which are well established in State law.

We ought not be trying to change State law. States have the capability of doing their own laws in liability cases, and we should not be changing them. The joint and several liability and punitive damage issues have been before us on other bills. It just seems to me that this is a matter for States to decide. They have been doing this for hundreds of years, and they can continue.

For that reason, I think the bill is either unnecessary or goes into areas it should not be going into.

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

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, I would like to make the gentleman aware of section B, that gives the States an opt out provision for the entire bill. If they want to pass a different law, they can. So what we are doing really by this amendment is filling in the blanks when the States have not acted to provide that type of relief.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, the States also have the option of passing whatever law they want. They should not have to act because we tell them to act, they ought to be able to act and do what they want to do.

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

Mr. MCINTOSH. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Tennessee (Mr. BRYANT), who is also a cosponsor of this amendment.

(Mr. BRYANT asked and was given permission to revise and extend his remarks.)

Mr. BRYANT. Mr. Chairman, I thank my colleague, the gentleman from Indiana, for yielding time to me. I thank my other colleague, the gentleman from Texas (Mr. BRADY) for joining in this amendment.

Mr. Chairman, as I sat here and listened to the debate about what is going on, I hope those that are viewing this debate from the audience can understand that we are about constructing a bill that would be effective in combatting what we see and read about every day in the newspaper and hear about on the radio and television, this culture of violence that we have come into in this country, particularly among our youth.

We are trying to do this as a reaction to an action that we believe has carried this country too far one way. We are reacting bit by bit, piece by piece today, in trying to build a very solid constitutional measure that will give parents and society, schoolteachers, administrators, some ability to react.

We are doing this in a way that we have done because we are listening to the people out there. We are going into the schools and talking to the principals and teachers. That is why we had an amendment just a couple of amendments ago that said we do not want guns in schools, no matter who brings those guns to school. We just had an amendment before this where we said, we do not want all sorts of trash and terrible information coming through the Internet into the schools that we would not let into our own homes.

I was certainly persuaded by the argument of one of my colleagues on the other side from California about how she is a good grandparent and how her daughter is a good parent. It sounds like that is a great situation. I admire that. It is not her grandchild, it is not necessarily my children or anyone else's children here or children of good parents that we worry about, it is those children out there who do not have these positive influences around them, and that yet are subject to these negative influences through the Internet or through whatever source of influence they are subject to.

In the instance of this amendment, it is children who come to school and misbehave in a terrible way, that create an environment in our classroom where nobody can learn; that the teacher feels unsafe, and that the fellow students feel unsafe. When some action is taken, the next thing we know, the people in charge are drug into court to defend themselves over that.

All this bill simply does is establish some parameters, some limited liability for teachers, to give them some confidence, some security that they

need to properly enforce the discipline and keep the order in the classroom which, in the end, everybody wins. So it is for that reason and on that basis and with that logic that I submit that this is good legislation, an amendment that I urge my colleagues to support.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise reluctantly in opposition to this amendment offered by my good friend, the gentleman from Indiana (Mr. MCINTOSH).

I have one question I would like to ask the gentleman: Where in the Constitution does the Federal government have the authority to interfere, to govern, to establish rules of civil liability in areas involving local school districts, especially in light of the gentleman's philosophy, which is the same as mine, that the Federal government should stay as far away from local education as possible?

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

Mr. MANZULLO. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for yielding. I will give the gentleman a short answer. Essentially I think it comes as an ancillary of our spending programs in the area of education, which this body has decided repeatedly to continue and to amplify. It is not possible for that spending to be wisely spent if we do not have order in the classroom.

As I mentioned, we have been very mindful of the Federalism concern. We have allowed States to opt out if they disagree. We have not preempted when the States had additional protections for the teachers.

Mr. MANZULLO. Reclaiming my time, Mr. Chairman, the fact that the Federal government gives about 6 percent of the total school budget allows the Federal government the authority under the Constitution to establish State rules of tort liability?

The gentleman has not answered my question because there is no answer to it. What we have here is the Federal government, and I think this is a very dangerous piece of legislation, though it is well-intended. If I were a member of the State legislature, I would vote for it. But what this is saying is that Congress knows best; that Congress is here with a great idea on tort liability.

The problem here is every State, including my State of Illinois, has a tort immunity act involving teachers, people working. Every State in this Nation has its own body of laws dealing with State and local governments. What we are doing here is attempting to have a one-size-fits-all plan, though it looks good on its face, imposed upon the States. That sets a very dangerous trend. It is the same trend that we set for voluntary organizations.

I was one of five members, I believe, of this House that voted against that law that imposed a Federal standard on voluntary organizations. This is a usurping of the power of the States to concern and to regulate their own tort laws. I would suggest to my good friend, the gentleman from Indiana, that this is not a conservative measure, this is not an anti-Federalist measure, which goes along with our conservative opinions, but this goes way beyond what our Constitution envisions is the proper role for the Federal government with regard to local State claims.

Mr. MCINTOSH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I appreciate the comments of the gentleman from Illinois (Mr. MANZULLO). We disagree. I think we have the constitutional power to enact this as a Federal standard, particularly with the safeguards for allowing the States to choose to do otherwise as they see fit.

But I appreciate the gentleman's dedication to that Federalism principle, and reluctantly reach a different conclusion from him. I wanted to say, although we disagree on this, I do appreciate the concern. We have thought a great deal about it.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), my colleague and the other cosponsor of this bill.

Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it happens every school day, every afternoon. A mom waits at home, watches nervously for the school bus. Another mom at work keeps looking at the phone, awaiting a phone call. One is hoping her child returns home safely that day. The other breathes a silent sigh of relief when the phone rings and a small voice utters three very magic words, ''I'm home, mom.''

Schools are becoming more and more dangerous. Teachers tell me they do not feel safe in their schools. Too many tell me that they are afraid to discipline unruly students, and for good reason: They may face an expensive and a career-ending frivolous lawsuit by overzealous lawyers.

Worse yet, they stand a good chance of being humiliated again when they are not backed up in their decision for discipline in their school. They are not backed up by principals in school districts who try their best but are intimidated with constant threats of expensive and very unfair litigation.

It is time to take the lawyers out of our classrooms. It is time to shield responsible educators from frivolous lawsuits so our children have a safe school we can learn in. Responsible teachers should not be afraid of violent bullies with intimidating attorneys.

I will tell the Members what, when we maintain order in the classroom, the first call a teacher makes should not be to her attorney, it ought to be the parents that of that unruly student. School boards should not have to choose between doing what is right for their kids or risking their local tax dollars to fight an empty, frivolous lawsuit where even if they win, the children lose.

□ 1845

This measure shields educators when they do the right thing to maintain order. Some States have recognized the role discipline plays. They have passed some laws, but most have not. We need to shield, and what this does is it ensures that each State can adopt this law, opt out or choose whatever version they feel safe with, but we are going to shield our educators.

So who opposes restoring order and discipline to our schools? The same people who believe that when a burglar breaks into someone's home, slips and falls, he ought to be able to sue; the same person who says a Good Samaritan who races to the aid of a stranger and things do not turn out perfectly, he ought to have a right to take everything they possess.

It is those who place the rights of the destructive student who does not want to learn over the rights of the good kids who do want to learn. The teacher liability protection amendment by the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Tennessee (Mr. BRYANT) offers a clear choice: good kids, responsible teachers and safe schools versus violent bullies and their reckless attorneys.

I choose the children.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, the solution that is being proposed here in this amendment is far-reaching. I do not think any parent in America would like to give immunity to all of the school personnel and send their kids off to school with personnel that may or may not go beyond their duties in disciplining.

Now, if there is a student that is acting out in the ways that have been described, no teacher should have the responsibility of disciplining a violent student. That teacher should be able to call the appropriate persons and have that student removed. Do not put the teacher in the position of limiting liability, or eliminating liability, so that they are responsible for handling or taking care of a violent student. They should not have to do that under any circumstances.

So as my colleagues reach into the States to dictate to the States and to the school districts how they should handle violent students, they really are doing violence to the Constitution of the United States of America, and that should not be done.

As a matter of fact, it is safer for the students and the families to have the liability responsibilities, and it is safer for the teachers not to have to confront it. I would ask that my colleagues vote no on this amendment.

In closing, let me just say, if anyone knows of a teacher who was acting

within their framework for doing their job and they have been sued and they have to pay out of their own pockets, tell them to see me. I am not a lawyer and I will get their money back for them.

Mr. MCINTOSH. Mr. Chairman, may I inquire how much time is remaining in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana (Mr. MCINTOSH) has 4½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 8½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in full support of the McIntosh amendment. The value and overwhelming good that will amount from this amendment certainly justifies its approval here now.

I have met with teachers in my Congressional district in Florida and have listened carefully to what problems they have in their classrooms. In fact, my mother was a teacher, so I am very aware of how important this amendment is for teachers and other educational professionals.

They must be empowered to assume full leadership in the classroom, without the anxiety of facing frivolous lawsuits.

The McIntosh amendment protects our teachers from just that: excessive and frivolous lawsuits. There is absolutely no reason why our public school teachers should walk into their classrooms day after day and fear lawsuits, all because they are exercising their right, in fact their duty, to maintain order and discipline in their classrooms.

The idea that teachers in my district are even restrained from exercising authority over students, better yet unruly and disruptive students, is an outrage. Our teachers should be empowered to maintain control of the classroom, without fearing the backlash of liability lawsuits.

This amendment will help protect the majority of students and it will enhance the learning environment. The McIntosh amendment is carefully crafted to protect our teachers from lawsuits when they are taking steps to maintain order in the classroom. It creates a standard for education professionals by giving them limited immunity from civil liability.

Now we are not talking about protecting teachers when they are part of a criminal activity or violations of State or Federal civil rights laws. I am talking about when a teacher is unable to take necessary disciplinary action against an unruly student just because they are nervous or fearful about a potential lawsuit from parents or overzealous attorneys.

Mr. Chairman, we need to pass this amendment, and I want to conclude by pointing out that this amendment does not preempt State laws when those State laws provide the teachers with greater liability protections than the language in this amendment. It sets a minimum standard, and I believe this is an appropriate action for us. I encourage its approval.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would like to ask the gentleman from Indiana (Mr. MCINTOSH) what percentage of teachers have been sued under the conditions that he has described in the last 5 years?

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

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. MCINTOSH. There have not been a large percentage of teachers who have been sued, but what we have seen——

Ms. WATERS. Reclaiming my time.

Mr. MCINTOSH. Well, the gentlewoman only let me answer half of the question.

Ms. WATERS. Reclaiming my time, the gentleman said he does not know, and there has not been a large percentage. I am sorry, that is precisely what I needed to know.

Secondly, what teachers does the gentleman know that have been sued that have not had their defense paid for by the school district or the State in which the suit took place?

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

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. MCINTOSH. By the way, there has been a 200 percent increase in lawsuits involving teachers in the last decade, which is to me phenomenal.

Ms. WATERS. Does that mean that there are 4 instead of 2?

Mr. MCINTOSH. Those teachers who are sued are the ones that ultimately risk having to defend themselves because the State is not required in every circumstance to defend them. Plus, there are memos going out to teachers that say do not touch the children; do not hug them if they fall down on the playground because they might get sued and the school might have to take taxpayer money to defend them.

Ms. WATERS. Reclaiming my time, the gentleman has just admitted that, number one, they do not have any data. They do not have any information that shows that there is a rash or increase in lawsuits. There is not that information available; he is absolutely correct. It is minuscule. That is number one.

Number two, the gentleman is not able to represent that anybody that may have been sued, and the few that may have taken place, have not been protected by their school districts or their States. They do not know of anybody who are out-of-pocket because they have been sued, they have been ruined because they have been sued.

This is a fallacious argument. It is one that does not deserve the attention of this floor. I would ask my colleagues to disregard it and vote no.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), who I understand will give a real-life circumstance in which these lawsuits are wreaking devastating havoc upon the school system in his State.

Mr. CUNNINGHAM. Mr. Chairman, I would appeal to my good friend, the gentleman from Virginia (Mr. SCOTT), who has always been fair, and say that in San Diego our new superintendent is Alan Bersin. He was a Clinton appointee, prior on the border. I have met with him many times and his number one problem is the IDEA program. The lawyers are suing the teachers, and most of this was happening before Secretary Riley, who is a good friend, put out the guidelines for IDEA.

It is not just that they are getting sued. We are losing good teachers. All they had to do is help special education children, but yet because of the cottage organizations and the lawsuits and them having to go before the courts, we are losing good teachers.

This is an area where my friend and I and the committee should work together to protect those teachers, because they are going through tremendous harassment. It is a difficult environment in the first place and when they are subjected to those kinds of ridicule and abuse by lawyers in the field, I would give the gentleman Alan Bersin's phone number and let him talk to the gentleman.

Mr. MCINTOSH. Mr. Chairman, am I correct that I have 1 remaining minute?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. MCINTOSH. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, let me close on our side and say simply, I would ask my colleagues to think about in their own lives, the 2 or 3 people, other than their family members, who have influenced them the most. I will bet in almost every case they will think of a teacher.

Now, think about that teacher who is subject to a chilling effect of being threatened with a lawsuit and had to hold back and could not motivate them, could not challenge them to do the best in school, could not have inspired them to go on and be successful and be men and women who represent the United States in this body of Congress. That is what we have to put an end to, that chilling effect that these lawsuits are causing, that does not allow the teachers to inspire our children to be the next generation of leaders, of Congressmen and Congresswomen.

I urge all of my colleagues to vote yes on this amendment so we may free up the teachers to be a great influence in the next generation of Americans.

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

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the problem with this amendment is we have not had any

hearings. This has profound educational implications; no hearings in the Committee on Education and the Workforce. Profound litigation implications; no hearings in the Committee on the Judiciary. So it sounds good. It might be a good idea; it might not. We do not know because we have not had any hearings. We do not have any concrete evidence of the experience across the country with hundreds of thousands of teachers.

How many have been sued? What were the conditions? Who had to pay? We do not know.

We have constitutional implications, and whether or not we have the authority to impose this situation on the States, we have not had an opportunity to consider that. There are significant and profound changes in the law in terms of punitive damages, and the burden of proof, joint and several liability. The preponderance of the evidence, the burden of proof that is needed. We have not had the opportunity to propose amendments to clarify which might be good ideas and which may not. We do not know.

Mr. Chairman, with all the unanswered questions, I think we would be ill-advised to adopt this amendment. We should vote no and have hearings, and if it is a good idea it will survive the normal legislative process.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

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

Mr. McINTOSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) will be postponed.

It is now in order to consider amendment 43 printed in part A of House Report 106–186.

AMENDMENT NO. 43 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 43 offered by Mr. SCHAFFER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(2) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(3) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(4) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(5) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(6) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(16) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public, not later than October 1, 2003.

**SEC. 4. CONTINGENT WIND-DOWN AND REPEAL OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.**

If funds are not authorized before October 1, 2004, to be appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611–5676) for fiscal year 2005, then—

(1) effective October 1, 2004—

(A) sections 205, 206, and 299, and

(B) parts B, C, D, E, F, G, H, and I,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed, and

(2) effective October 1, 2005—

(A) the 1st section, and

(B) titles I and II,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

(Mr. SCHAFFER asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, I am truly moved by Members here who have participated in the debate over the last couple of days on youth violence and juvenile crime prevention. I am persuaded by the arguments by all individuals who have come to the floor that we all care deeply about youth violence and wish to sincerely see a resolution to the crisis that confronts the country, and warrants our attention.

□ 1900

We focused a lot on all of the amendments, amendments of all sorts. But I am here to remind the Members that there is an underlying bill that compels us to come here on the floor in the first place, and that is a reauthorization process in which we are scheduled to consider in ordinary fashion the continuation of existing programs that are already on the book.

The purpose of my amendment, Mr. Chairman, is to ask Members to consider the $4.5 billion that is spent on various juvenile justice programs and youth crime prevention programs presently under current law and ask the question, the most fundamental question, I believe, in all of this debate, is the money we are already spending being spent in a way that yields real results?

Just a month or so ago, the Justice Department appeared before one of the education subcommittees and offered in the course of their testimony this report, this report published by the Center for the Study and Prevention of Violence. The report, when I took a look at it, has some pretty scathing comments that suggests that the amendment I offer here today is something we ought to adopt.

I am quoting from the report, ''To date, most of the resources committed

to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.''

The amendment I offer, Mr. Chairman, is one that proposes a comprehensive review by the Government Accounting Office, asking several specific questions about the performance of the programs we adopt today by amendment and those we renew by reauthorization in the underlying bills.

Finally, it sets up a mechanism whereby this Congress must act affirmatively in its next reauthorization process in order for these programs to be continued; and that decision would, of course, be made based on the results of the report that is rendered and submitted to Congress.

That, Mr. Chairman, is the amendment, and I urge its adoption.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition to the amendment?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

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

Mr. Chairman, I want to commend the gentleman from Colorado (Mr. SCHAFFER) for offering studies. We do not have enough studies. We end up doing a lot of things that we ought not do because we do not know what we are talking about. We think things on the fly, like we have been taking a lot of these amendments. So more study, we cannot be hurt by more studies.

The problem with this amendment, however, Mr. Chairman, is the sunset provision, because not only would it sunset some funding, it would sunset some protection for juveniles if we are late in reauthorizing the bill 4 years from now. We are always late in reauthorizing it.

Therefore, Mr. Chairman, we ought not have the sunset provision in there. For that reason, I oppose the amendment.

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

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

Mr. Chairman, the sunset provision is an essential part. I am persuaded by the abundance of compassion and concern for youth violence exhibited on the floor here today that, in 2004, when it is time for Congress to reauthorize these programs again under the mechanism and vision in this amendment, that those programs which truly result in beneficial outcomes for our Nation's youth will, in fact, be reauthorized and renewed.

So I am banking on the success of the programs proposed and believe this Congress will act responsibly at that point in time.

To fail to enact that portion of the amendment would simply allow the current mechanism that allows these programs to run on and on and on without any accountability or without any real challenge as to the efficiency of the dollars spent. Four and a half billion is a lot of money. I think we ought to make sure that these dollars actually work.

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

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate the amendment that the gentleman from Colorado (Mr. SCHAFFER) is offering. I would hope that it would not be necessary, and maybe he can withdraw it.

I say it for this reason. The study that he cites from the Center on the Prevention of Violence, and I think it is actually in Denver, Colorado, has gone through a number of these programs that we have authorized and appropriated money for over the last several years.

I think the study draws the right conclusions. We are spending a lot of money on a lot of programs that have not been properly tested, that politically are quite popular.

The DARE program, every politician, every police department loves it, it just does not happen to do much good. In fact, I think the Center for the Study of Violence found that it was probably, in many cases, at the lower grades counterproductive. Either it kind of made icons out of some drug dealers, or the kids could not assimilate the information.

Because of the Center study, DARE is now being reformulated and, apparently with some success, being offered in the middle school as opposed to with very young children.

I do not think we need the GAO. I think what we need is, when the appropriations bill comes to this floor later this year, we ought to ask whether or not there is any proof of efficacy of some of the programs.

Now, a lot of our colleagues are going to get upset about that, but we should forget the GAO, do not pay for the GAO, take that study the gentleman from Colorado has in his hand, and what he will find out is, when he is talking about youth violence and he is really talking about the problems of serious delinquency and chronic delinquency, there is probably about four or five programs in the Nation that are really doing this in a comprehensive fashion.

Most of them are things that politicians do not want to hear about. They are dealing with very young children in a very comprehensive fashion who have very serious problems. But in some cases, it is 7, 8, 10 percent of the kids who are 61 percent of the crimes; in other words, 20 percent of the kids are 70 percent of the crimes.

So we are able to identify many of these kids, but when we do, it requires the kind of help that most politicians do not want to deliver. They would rather cut a ribbon. They would rather have a grant. They would rather lean on our appropriators to fund these programs.

But as the Center properly points out, in most cases, these are not terribly effective programs. For this kind of money, the taxpayers ought to get a bigger bang for the buck.

I would hope that the gentleman from Colorado (Mr. SCHAFFER) would withdraw his amendment, but I think he raises a very important point. I am concerned about the sunset, because the unintended consequences of Congress, as the gentleman knows, can be rather dramatic.

I think that we ought to make sure, and I know that the gentleman knows we did this with some of the education programs, we want nationally tested, effective programs, and that is what we ought to be funding and not every pilot program that walks through the door that politically sounds great because it involves the police department or involves somebody else, but has no effect in terms of the outcomes of violence.

So I would oppose the amendment if the gentleman continues, but I would hope that, instead of spending money on a GAO study, we take the work of the National Center and put it up against the appropriations process and then ask our colleagues, is this what they really want to spend money on? I think they would have trouble answering, in light of that study and other studies that the Center has sponsored, answering in the affirmative if they really want to deal with the problems of youth violence.

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

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

Mr. Chairman, let me read one more passage from the report that we have been talking about today. ''When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse.''

That is the underlying motivation for this amendment. It gives the Congress in the year 2000 substantial leverage to do a better job of evaluating these programs and making sure that the $2.4 billion spread across 117 different programs and 15 different agencies actually help children.

This is, in my opinion, the most important and the best thing we can do in this whole entire debate, to make sure the money we are spending actually works.

Mr. Chairman, I include for the RECORD the summary of the Center for the Study and Prevention of Violence, as follows:

EDITOR'S INTRODUCTION

INTRODUCTION

The demand for effective violence and crime prevention programs has never been greater. As our communities struggle to deal with the violence epidemic of the 1990s in which we have seen the juvenile homicide rate double and arrests for serious violent crimes increase 50 percent between 1984 and 1994,[1] the search for some effective ways to prevent this carnage and self-destructiveness has become a top national priority. To date, most of the resources committed to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.

There are several reasons for this situation. First, there is little political or even program support for evaluation. Federal and state violence prevention initiatives rarely allocate additional evaluation dollars for the programs they fund. Given that the investment in such programs is relatively low, it is argued that every dollar available should go to the delivery of program services, i.e., to helping youth avoid involvement in violent or criminal behavior. Further, the cost of conducting a careful outcome evaluation is prohibitive for most individual programs, exceeding their entire annual budget in many cases. Finally, many program developers believe they know intuitively that their programs work, and thus they do not think a rigorous evaluation is required to demonstrate this.

Unfortunately, this view and policy is very shortsighted. When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse.[2] Indeed, many programs fail to even address the underlying causes of violence, involve simplistic ''silver bullet'' assumptions (e.g., I once had a counselor tell me there wasn't a single delinquent youth he couldn't ''turn around'' with an hour of individual counseling), and allocate investments of time and resources that are far too small to counter the years of exposure to negative influences of the family, neighborhood, peer group, and the media. Violent behavior is a complex behavior pattern which involves both individual dispositions and social contexts in which violence is normative and rewarded. Most violence prevention programs focus only on the individual dispositions and fail to address the reinforcements for violence in the social contexts where youth live, with the result that positive changes in the individual's behavior achieved in the treatment setting are quickly lost when the youth returns home to his or her family, neighborhood, and old friends.

Progress in our ability to effectively prevent and control violence requires evaluation. A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business or corporation would invest millions of dollars in an enterprise without checking to see if it is profitable. Our failure to provide this type of evidence has seriously undermined the public confidence in prevention efforts generally, and is at least partly responsible for the current public support for building more prisons and incapacitating youth—the public knows they are receiving some protection for this expenditure, even if it is temporary.

The prospects for effective prevention programs and a national prevention initiative have improved greatly during the past decade. We now have a substantial body of research on the causes and correlates of crime and violence. There is general consensus within the research community about the specific individual dispositions, contextual (family, school, neighborhood, and peer group) conditions, and interaction dynamics which lead to involvement in violent behavior. These characteristics, which have been linked to the onset, continuity, and termination of violence, are commonly referred to as ''risk'' and ''protective'' factors for violence. Risk factors are those personal attributes and contextual conditions which increase the likelihood of violence. Protective factors are those which reduce the likelihood of violence, either directly or by virtue of buffering the individual from the negative effects of risk factors.[3] Programs which can alter these conditions, reducing or eliminating risk factors and facilitating protective factors, offer the most promise as violence prevention programs.

While our evaluation of these programs is quite limited, we have succeeded in demonstrating that some of these programs are effective in deterring crime and violence. This breakthrough in prevention programming has yet to be reflected in national or state funding decisions, and is admittedly but a beginning point for developing the comprehensive set of prevention programs necessary for developing a national prevention initiative.

Each of these proven programs is described in this series of Blueprints for Violence Prevention. To date, we have identified ten such programs. These Blueprints (which will be described later in this Editor's Introduction) are designed to be practical documents which will allow interested persons, agencies, and communities to make an informed judgment about a program's appropriateness for their local situation, needs, and available resources.

BACKGROUND

The violence epidemic of the 1990s produced a dramatic shift in the public's perception of the seriousness of violence. In 1982, only three percent of adults identified crime and violence as the most important problem facing this country; by August of 1994, more than half thought crime and violence was the nation's most important problem. Throughout the '90s violence has been indicated as a more serious problem than the high cost of living, unemployment, poverty and homelessness, and health care. Again, in 1994, violence (together with a lack of discipline) was identified as the ''biggest problem'' facing the nation's public schools.[4] Among America's high school seniors, violence is the problem these young people worry about most frequently—more than drug abuse, economic problems, poverty, race relations, or nuclear war.[5]

The critical question is, ''How will we as a society deal with this violence problem?'' Government policies at all levels reflect a punitive, legalistic approach, an approach which does have broad public support. At both the national and state levels, there have been four major policy and program initiatives introduced as violence prevention or control strategies in the 1990s: (1) the use of judicial waivers, transferring violent juvenile offenders as young as age ten into the adult justice system for trial, sentencing, and adult prison terms; (2) legislating new gun control policies (e.g., the Brady Handgun Violence Prevention Act, 1993); (3) the creation of ''boot camps'' or shock incarceration programs for young offenders, in order to instill discipline and respect for authority; and (4) community policing initiatives to create police-community partnerships aimed at more efficient community problem solving in dealing with crime, violence, and drug abuse.

Two of these initiatives are purely reactive: they involve ways of responding to violent acts after they occur; two are more preventive in nature, attempting to prevent the initial occurrence of violent behavior. The primary justification for judicial waivers and boot camps is a ''just desserts'' philosophy, wherein youthful offenders need to be punished more severely for serious violent offenses. But there is no research evidence to suggest either strategy has any increased deterrent effect over processing these juveniles in the juvenile justice system or in traditional correctional settings. In fact, although the evidence is limited, it suggests the use of waivers and adult prisons results in longer processing time and longer pretrial detention, racial bias in the decision about which youth to transfer into the adult system, a lower probability of treatment or remediation while in custody, and an increased risk of repeated offending when released.[6] The research evidence on the effectiveness of community policing and gun control legislation is very limited and inconclusive. We have yet to determine if these strategies are effective in preventing violent behavior.

There are some genuine prevention efforts sponsored by federal and state governments, by private foundations, and by private businesses. At the federal level, the major initiative involves the Safe and Drug-Free Schools and Communities Act (1994). This act provided $630 million in federal grants during 1995 to the states to implement violence (and drug) prevention programs in and around schools. State Departments of Education and local school districts are currently developing guidelines and searching for violence prevention programs demonstrated to be effective. But there is no readily available compendium of effective programs described in sufficient detail to allow for an informed judgment about their relevance and cost for a specific local application. Under pressure to do something, schools have implemented whatever programs were readily available. As a result, most of the violence prevention programs currently being employed in the schools, e.g., conflict resolution, peer mediation, individual counseling, metal detectors, and locker searchers and sweeps have either not been evaluated or the evaluations

Footnotes at end of article.

have failed to establish any significant, sustained deterrent effects.[7]

Nationally, we are investing far more resources in building and maintaining prisons than in primary prevention programs.[8] We have put more emphasis on reacting to violent offenders after the fact and investing in prisons to remove them from our communities, than on preventing our children from becoming violent offenders in the first place and retaining them in our communities as responsible, productive citizens. Of course, if we have no effective prevention strategies or programs, there is no choice.

This is the central issue facing the nation in 1997: Can we prevent the onset of serious violent behavior? If we cannot, then we have no choice but to build, fill, and maintain more prisons. Yet if we know how to prevent the onset of violence, can we mount an efficient and effective prevention initiative? There is, in fact, considerable public support for violence prevention programming for our children and adolescents.[9] How can we develop, promote, and sustain a violence prevention initiative in this country?

VIOLENCE PREVENTION PROGRAMS—WHAT WORKS?

Fortunately, we are past the ''nothing has been demonstrated to work'' era of program evaluation.[10] During the past five years more than a dozen scholarly reviews of delinquency, drug, and violence prevention programs have been published, all of which identify programs they claim have been successful in deterring crime and violence.[11]

However, a careful review of these reports suggests some caution and a danger of overstating the claim that research has demonstrated the effectiveness of many different violence or delinquency prevention programs. First, very few of these recommended programs involve reductions in violent behavior as the outcome criteria. For the most part, reductions in delinquent behavior or drug use in general or arrests/revocations for any offense have been used as the outcome criteria. This is probably not a serious threat to the claim that we have identified effective violence prevention programs, as research has established that delinquent acts, violence, and substance use are interrelated and involvement in any one is associated with involvement in the others. Further, they have a common set of causes, and serious forms of violence typically occur later in the developmental progression, suggesting that a program that is effective in reducing earlier forms of delinquency or drug use should be effective in deterring serious violent offending.[12] Still, some caution is required, given that very few studies have actually demonstrated a deterrent or marginal deterrent effect for serious violent behavior.

Second, the methodological standards vary greatly across these reviews. A few actually score each program evaluation reviewed on its methodological rigor,[13] but for most the standards are variable and seldom made explicit. If the judgment on effectiveness were restricted to individual program evaluations employing true experimental designs and demonstrating statistically significant deterrent (or marginal deterrent) effects, the number of recommended programs would be cut by two-thirds or more. An experimental (or good quasi-experimental) design and statistically significant results should be minimum criteria for recommending program effectiveness. Further, very few of the programs recommended have been replicated at multiple sites or demonstrated that their deterrent effect has been sustained for some period of time after leaving the program, two additional criteria that are important. In a word, the standard for the claims of program effectiveness in these reviews is very low. Building a national violence prevention initiative on this collective set of recommended programs would be very risky indeed.

BLUEPRINTS FOR VIOLENCE PREVENTION

In 1996, the Center for the Study and Prevention of Violence at the University of Colorado at Boulder, working with William Woodward, Director of the Colorado Division of Criminal Justice (CDCJ), who played the primary role in securing funding from the Colorado Division of Criminal Justice, the Centers of Disease Control and Prevention, and the Pennsylvania Council on Crime and Delinquency, initiated a project to identify ten violence prevention programs that met a very high scientific standard of program effectiveness—programs that could provide an initial nucleus for a national violence prevention initiative. Our objective was to identify truly outstanding programs, and to describe these interventions in a series of ''Blueprints.'' Each Blueprint describes the theoretical rationale for the intervention, the core components of the program as implemented, the evaluation designs and findings, and the practical experiences the program staff encountered while implementing the program at multiple sites. The Blueprints are designed to be very practical descriptions of effective programs which allow states, communities, and individual agencies to: (1) determine the appropriateness of each intervention for their state, community, or agency; (2) provide a realistic cost estimate for each intervention; (3) provide an assessment of the organizational capacity required to ensure its successful start-up and operation over time; and (4) give some indication of the potential barriers and obstacles that might be encountered when attempting to implement each type of intervention. In 1997, additional funding was obtained from the Division of Criminal Justice, allowing for the development of the ten Blueprint programs.

BLUEPRINT PROGRAM SELECTION CRITERIA

In consultation with a distinguished Advisory Board,[14] we established the following set of evaluation standards for the selection of Blueprint programs: (1) an experimental design, (2) evidence of a statistically significant deterrent (or marginal deterrent) effect, (3) replication at multiple sites with demonstrated effects, and (4) evidence that the deterrent effect was sustained for at least one year post-treatment. This set of selection criteria establishes a very high standard; one that proved difficult to meet. But it reflects the level of confidence necessary if we are going to recommend that communities replicate these programs with reasonable assurances that they will prevent violence. Given the high standards set for program selection, the burden for communities mounting an expensive outcome evaluation to demonstrate their effectiveness is removed; this claim can be made as long as the program is implemented well. Demonstrating in a process evaluation that a program is implemented well is relatively inexpensive, but critical to the claim that a program known to be effective is having some deterrent effect.

Each of the four evaluation standards is described in more detail as follows:

*1. Strong Research Design*

Experimental designs with random assignment provide the greatest level of confidence in evaluation findings, and this is the type of design required to fully meet this Blueprint standard. Two other design elements are also considered essential for the judgment that the evaluation employed a strong research design: low rates of participant attrition and adequate measurement. Attrition may be indicative of problems in program implementation; it can compromise the integrity of the randomization process and the claim of experimental-control group equivalence. Measurement issues include the reliability and validity of study measures, including the outcome measure, and the quality, consistency, and timing of their administration to program participants.

*2. Evidence of Significant Deterrence Effects*

This is an obvious minimal criterion for claiming program effectiveness. As noted, relatively few programs have demonstrated effectiveness in reducing the onset, prevalence, or individual offend-ing rates of violent behavior. We have accepted evidence of deterrent effects for delinquency (including childhood aggression and conduct disorder), drug use, and/or violence as evidence of program effectiveness. We also accepted program evaluations using arrests as the outcome measure. Evidence for a deterrent effect on violent behavior is certainly preferable, and programs demonstrating this effect were given preference in selection, all other criteria being equal.

Both primary and secondary prevention effects, i.e., reductions in the onset of violence, delinquency, or drug use compared to control groups and pre-post reductions in these offending rates, could meet this criterion. Demonstrated changes in the targeted risk and protective factors, in the absence of any evidence of changes in delinquency, drug use, or violence, was not considered adequate to meet this criterion.

*3. Sustained Effects*

Many programs have demonstrated initial success in deterring delinquency, drug use, and violence during the course of treatment or over the period during which the intervention was being delivered and reinforcements controlled. This selection criterion requires that these short-term effects be sustained beyond treatment or participation in the designed intervention. For example, if a preschool program designed to offset the effects of poverty on school performance (which in turn effects school bonding, present and future opportunities, and later peer group choice/selection, which in turn predicts delinquency) demonstrates its effectiveness when children start school, but these effects are quickly lost during the first two to three years of school, there is little reason to expect this program will prevent the onset of violence during the junior or senior high school years when the risk of onset is at its peak. Unfortunately, there is clear evidence that the deterrent effects of most prevention programs deteriorate quickly once youth leave the program and return to their original neighborhoods, families, and peer groups (e.g., gangs).

*4. Multiple Site Replication*

Replication is an important element in establishing program effectiveness. It establishes the robustness of the program and its prevention effects; it exportability to new sites. This criterion is particularly relevant for selecting Blueprint programs for a national prevention initiative where it is no longer possible for a single program designer to maintain personal control over the implementation of his or her program. Adequate procedures for monitoring the quality of implementation must be in place, and this can be established only through actual experience with replications.

*Other Criteria*

In the selection of model programs, we considered several additional factors. We looked for evidence that change in the targeted risk or protective factor(s) mediated the change in violent behavior. This evidence clearly strengthens the claim that participation in the program was responsible for

the change in violent behavior, and it contributes to our theoretical understanding of the casual processes involved. We were surprised to discover that many programs reporting significant deterrent effects (main effects) had not collected the necessary data to do this analysis or, if they had the necessary data, had not reported on this analysis.

We also looked for cost data for each program as this is a critical element in any decision to replicate one of these Blueprint programs, and we wanted to include this information in each Blueprint. Evaluation reports, particularly those found in the professional journals, rarely report program costs. Even when asked to provide this information, many programs are unable (or unwilling) to provide the data. In many cases program costs are difficult to separate from research and evaluation costs. Further, when these data are available, they typically involve conditions or circumstances unique to a particular site and are difficult to generalize. There are no standardized cost criteria and it is very difficult to compare costs across programs. It is even more difficult to obtain reliable cost-benefit estimates. A few programs did report both program costs and cost-benefit estimates.

Finally, we considered each program's willingness to work with the Center in developing a Blue-print for national dissemination and the program's organizational capacity to provide technical assistance and monitoring of program implementation on the scale that would be required if the program was selected as a Blueprint program and became part of a national violence prevention initiative.

Programs must be willing to work with the Center in the development of the Blueprint. This involves a rigorous review of program evaluations with questions about details not covered in the available publications; the preparation of a draft Blueprint document following a standardized outline; attending a conference with program staff, staff from replication sites, and Center staff to review the draft document; and making revisions to the document as requested by Center staff. Each Blueprint is further reviewed at a second conference in which potential users—community development groups, prevention program staffs, agency heads, legislators, and private foundations—''field test'' the document. They read each Blueprint document carefully and report on any difficulties in understanding what the program requires, and on what additional information they would like to have if they were making a decision to replicate the program. Based on this second conference, final revisions are made to the Blueprint document and it is sent back to the Program designer for final approval.

In addition, the Center will be offering technical assistance to sites interested in replicating a Blueprint program and will be monitoring the quality of program implementation at these sites (see the ''Technical Assistance and Monitoring of Blueprint Replications'' section below). This requires that each selected program work with the Center in screening potential replication sites, certifying persons qualified to deliver technical assistance for their program, delivering high quality technical assistance, and cooperating with the Center's monitoring and evaluation of the technical assistance delivered and the quality of implementation achieved at each replication site. Some programs are already organized and equipped to do this, with formal written guidelines for implementation, training manuals, instruments for monitoring implementation quality, and a staff trained to provide technical assistance; others have few or none of these resources or capabilities. Participation in the Blueprint project clearly involves a substantial demand on the programs. To date, all ten programs selected have agreed to participate as a Blueprint program.

BLUEPRINT PROGRAMS: AN OVERVIEW

We began our search for Blueprint programs by examining the set of programs recommended in scholarly reviews. We have since expanded our search to a much broader set of programs and continue to look for programs that meet the selection standards set forth previously. To date, we have reviewed more than 400 delinquency, drug, and violence prevention programs. As noted, ten programs have been selected thus far, based upon a review and recommendation of the Advisory Board. These programs are identified in Table A.

The standard we have set for program selection is very high. Not all of the ten programs selected meet all of the four individual standards, but as a group they come the closest to meeting these standards

TABLE A.—BLUEPRINT PROGRAMS

| PROJECT | TARGET POPULATION | EVID. OF EFFECT | MULTISITE | COST/BENEFIT | SUSTAINED EFFECT | GENERALIZABLE | TYPE OF PROGRAM |
|---|---|---|---|---|---|---|---|
| Nurse Home Visitation (Dr. David Olds). | Pregnant women at risk of preterm delivery and low birth weight infant. | X | Current replication in Denver and Memphis. | X | Through age 15 | X | Prenatal and postpartum nurse home visitation. |
| Bullying Prevention Program (Dr. Dan Olueus). | Primary and secondary school children (universal intervention). | X | England and Canada; South Carolina. | | 2 years post-treatment. | Generality to US unknown; initial S.C. results positive. | School anti-bullying program to reduce victim/bully problems. |
| Promoting Alternative Thinking Strategies (Dr. Mark Greenberg). | Primary school children (universal intervention). | X | X | | 2 years post-treatment. | X | School-based program designed to promote emotional competence. |
| Big Brothers Big Sisters of America (Ms. Dagmar McGill). | Youth 6 to 18 years of age from single parent homes. | X | Multisite Single Design, 8 sites. | | | X | Mentoring program. |
| Quanturn Opportunities (Mr. Ben Latimore). | At-risk, disadvantaged, high school students. | X | Multisite Single Design, 5 sites; current replication by Dept. of Labor. | X | Age 20 | | Educational incentives. |
| Multisystemic Therapy (Dr. Scott Henggeler). | Serious, violent, or substance abusing juvenile offenders and their families. | X | X | X | 4 years post-treatment. | X | Family ecological systems approach. |
| Functional Family Therapy (Dr. Jim Alexander). | At-risk, disadvantaged, adjudicated youth. | X | X | X | 30 months post-treatment. | Status and hard-core delinquents. | Behavioral systems family therapy. |

TABLE A.—BLUEPRINT PROGRAMS—Continued

| PROJECT | TARGET POPULATION | EVID. OF EFFECT | MULTISITE | COST/BENEFIT | SUSTAINED EFFECT | GENERALIZABLE | TYPE OF PROGRAM |
|---|---|---|---|---|---|---|---|
| Midwestern Prevention Project (Dr. Mary Ann Pentz). | Middle/junior school (6th/7th grade). | X | X | ..... | Through high school. | X | Drug use prevention (social resistance skills training) w/sequential components that involve parents, media, and community. |
| Life Skills Training (Dr. Gilbert Botvin). | Middle/junior school (6th/7th grade). | X | X | ..... | Through high school. | X | Drug use prevention (social skills and general life skills training). |
| Treatment Foster Care (Dr. Patrica Chamberlain). | Adjudicated serious and chronic delinquents. | X | X | Some info. Avail. | 1 year post-treatment. | ..... | Temporary foster care with treatment. |

that we could find. As indicated in Table A, with one exception they have all demonstrated significant deterrent effects with experimental designs using random assignment to experimental and control groups (the Bullying Prevention Program involved a quasi-experimental design). All involve multiple sites and thus have information on replications and implementation quality, but not all replication sites have been evaluated as independent sites (e.g., the Big Brothers Big Sisters mentoring program was implemented at eight sites, but the evaluation was a single evaluation involving all eight sites in a single aggregated analysis). Again, with one exception (Big Brothers Big Sisters), all the selected programs have demonstrated sustained effects for at least one year post-treatment.

It is anticipated that the first two Blueprints will be published and disseminated in the fall of 1997: the Big Brothers Big Sisters Program and the Midwestern Prevention Project. The other Blueprints will be published during 1998—two in the winter, two in the spring, two in the summer, and the final two in the fall.

TECHNICAL ASSISTANCE AND MONITORING OF BLUEPRINT REPLICATIONS [15]

The Blueprint project includes plans for a technical assistance and monitoring component to assist interested communities, agencies and organizations in their efforts to implement one or more of the Blueprint programs. Communities should not attempt to replicate a Blueprint without technical assistance from the program designers. If funded, technical assistance for replication will be available through the Center for the Study and Prevention of Violence at a very modest cost. Technical assistance can also be obtained directly from the Blueprint programs with costs for consulting fees, travel, and manuals negotiated directly with each program.

There are three common problems encountered by communities when attempting to develop and implement violence prevention interventions. First, there is a need to identify the specific risk and protective factors to be addressed by the intervention and the most appropriate points of intervention to address these conditions. In some instances, communities have already completed a risk assessment and know their communities' major risk factors and in which context to best initiate an intervention. In other cases this has not been done and the community may require some assistance in completing this task. We anticipate working with communities and agencies to help them evaluate their needs and resources in order to select an appropriate Blueprint program to implement. This may involve some initial on-site work assisting the community in completing some type of risk assessment as a preparatory step to selecting a specific Blueprint program for implementation.

Second, assuming the community has identified the risk and protective factors they want to address a critical problem is in locating prevention interventions which are appropriate to address these risk factors and making an informed decision about which one(s) to implement. Communities often become lost in the maze of programs claiming they are effective in changing identified risk factors and deterring violence. More often, they are faced with particular groups pushing their own programs or an individual on their advisory board recommending a pet project, without no factual information or evidence available to provide some rational comparison of available options. Communities often need assistance in making an informed selection of programs to implement.

Third, there are increasingly strong pressures from funders, whether the U.S. Congress, state legislatures, federal or state agencies, or private foundations and businesses, for accountability. The current trend is toward requiring all programs to be monitored and evaluated. This places a tremendous burden on most programs which do not have the financial resources or expertise to conduct a meaningful evaluation. A rigorous outcome evaluation typically would cost more than the annual operating budget of most prevention programs; the cumulative evaluations of our Blueprint programs, for example, average more than a million dollar each. The selection of a Blueprint program eliminates the need for an outcome evaluation, at least for an initial four or five years.[16] Because these programs have already been rigorously evaluated, the critical issue for a Blueprint program is the quality of the implementation; if the program is implemented well, we can assume it is effective. To ensure a quality implementation, technical assistance and monitoring of the implementation (a process evaluation) are essential.

LIMITATIONS

Blueprint program are presented as complete programs as it is the program that has been evaluated and demonstrated to work. Ideally, we would like to be able to present specific intervention components, e.g., academic tutoring, mentoring of at-risk youth, conflict resolution training, work experience, parent effectiveness training, etc., as proven intervention strategies based upon evaluations of many different programs using these components. We do not yet have the research evidence to support a claim that specific components are effective for specific populations under some specific set of conditions. Most of the Blueprint program (and prevention programs generally) involve multiple components. and their evaluations do not establish the independent effects of each separate component, but only the combination of comparison as a single ''package.'' It is the ''package'' which has been demonstrated to work for specific populations under given conditions. The claim that one is using an intervention that has been demonstrated to work applies only if the entire Blueprint program, as designed, implemented, and evaluated, it being replicated; this claim is not warranted if only some specific subcomponent is being implemented or if a similar intervention strategy is being used, but with different staff training, or different populations of at-risk youth, or some different combination of components. It is for this reason that we recommend that communities desiring to replicate one of the Blueprint programs contact this program or the Center for the Study and Prevention of Violence for technical assistance.

Our knowledge about these programs and the specific conditions under which they are effective will certainly change over time. Already there are extensions and modifications to these programs which are being implemented and carefully evaluated. Over the next three to five years it may be necessary to revise our Blueprint of a selected program. Those modifications currently underway typically involve new at-risk populations, changes in the delivery systems, changes in staff selection criteria and training, and in the quantity or intensity of the intervention delivered. Many of these changes are designed to reduce costs and increase the inclusiveness and generality of the program. It is possible that additional evaluation may undermine the claim that a particular Blueprint program is effective, however it is far more likely they will improve our understanding of the range of conditions and circumstances under which these programs are effective. In any event, we will continue to monitor the evaluation of these programs and make necessary revisions to their Blueprints. Most of these evaluations are funded at the federal level and they will provide ongoing evidence of the effectiveness of Blueprint programs, supporting (or not) the continued use of these programs without the need for local outcome evaluations.

The cost-benefit data presented in the Blueprints are those estimated by the respective programs. We have not undertaken an independent validation of these estimates and are not certifying their accuracy. Because they involve different comparison groups, different cost assumptions, and considerable local variation in costs for specific

services, it is difficult to compare this aspect of one Blueprint program with another. Potential users should evaluate these claims carefully. We believe these cost-benefit estimates are useful, but they are not the most important consideration in selecting a violence prevention program or intervention.

It is important to note that the size of the deterrent effects of these Blueprint programs is modest. There are no ''silver bullets,'' no programs that prevent the onset of violence for all youth participating in the intervention. Good prevention programs reduce the rates of violence by 20–25 percent.[17] We have included a section in each Blueprint presenting the evaluation results so that potential users can have some idea of how strong the program effect is likely to be and can prepare their communities for a realistic set of expectations. It is important that we not oversell violence prevention programs; it is also the case that programs with a 20 percent reduction in violence can have a fairly dramatic effect if sustained over a long period of time.

Finally, we are not recommending that communities invest all of their available resources in Blueprint programs. We need to develop and evaluate new programs to expand our knowledge of what works and to build an extensive repertoire of programs that work if we are ever to mount a comprehensive prevention initiative in this country. At the same time, given the costs of evaluating programs, it makes sense for communities to build their portfolio of programs around interventions that have been demonstrated to work, and to limit their investment in new programs to those they can evaluate carefully. Our Blueprint series is designed to help communities adopt this strategy.

SUMMARY

As we approach the 21st Century, the nation is at a critical crossroad: Will we continue to react to youth violence after the fact, becoming increasingly punitive and locking more and more of our children in adult prisons? Or will we bring a more healthy balance to our justice system by designing and implementing an effective violence prevention initiative as a part of our overall approach to the violence problem? We do have a choice.

To mount an effective national violence prevention initiative in this country, we need to find and/or create effective violence prevention programs and implement them with integrity so that significant reductions in violent offending can be realized. We have identified a core set of programs that meet very high scientific standards for being effective prevention programs. These programs could constitute a core set of programs in a national violence prevention initiative. What remains is to ensure that communities know about these programs and, should they desire to replicate them, have assistance in implementing them as designed. That is our objective in presenting this series of Blueprints for Violence Prevention. They constitute a complete package of both programs and technical assistance made available to states, communities, schools, and local agencies attempting to address the problems of violence, crime, and substance abuse in their communities.

DELBERT S. ELLIOTT,
*Series Editor.*

ENDNOTES

1. Cook and Laub, 1997; Fox, 1996; and Snyder and Sickmund, 1995 for an analysis of trends in juvenile arrests for violent crimes.
2. Lipsey, 1992, 1997; Sherman et al., 1997; and Tolan and Guerra, 1994.
3. The technical definition of a protective factor is an attribute or condition that buffers one from the expected effect of one or more risk factors, but many use the term more generally to refer to anything that reduces the likelihood of violence, whether that effect is direct or indirect.
4. Maguire and Pastore, 1996.
5. Johnson et al., 1996.
6. Fagan, 1996; Frazier, Bishop and Lanza-Kaduce, 1997; Lipsey, 1997; MacKenzie et al., 1992; Podkopaz and Feld, 1996; and Shaw and McKenzie, 1992.
7. Gottfredson, 1997; Lipsey, 1992. Sherman et al., 1997; Tolan and Guerra, 1994; and Webster, 1993.
8. Gottfredson, 1997.
9. Gallop, 1994.
10. Lipton, Martinson, and Wilks, 1975; Martinson, 1974; Sechrest et al., 1979; and Wright and Dixon, 1977.
11. Davis and Tolan, 1993; Dusenbury and Falco, 1995; Farrington, 1994; Greenwood et al., 1996; Hawkins, Catalano and Miller, 1992; Howell, 1995; Howell et al., 1995; Krisberg and Onek, 1994; Lipsey and Wilson, 1997; Loeber and Farrington, 1997; McGuire, 1995; National Research Council, 1993; Office of Juvenile Justice and Delinquency Prevention, 1995; Powell and Hawkins, 1996; Sherman et al., 1997; and Tolan and Guerra, 1994.
12. Elliott, 1993, 1994; Jessor and Jessor, 1977; Kandel et al., 1986; Osgood et al., 1988, and White et al., 1985.
13. Gottfredson, 1997; Lipsey, 1992; Osgood et al., 1988; and Sherman et al., 1997.
14. Advisory Board members included: Denise Gottfredson, University of Maryland; Mark Lipsey, Vanderbilt University; Hope Hill, Howard University; Peter Greenwood, the Rand Corporation; and Patrick Tolan, University of Illinois.
15. The Center has submitted a proposal to the Office of Juvenile, Justice and Delinquency Prevention to fund this component of the Blueprint project.
16. At some point it will be necessary to reassess each Blueprint program to ensure that it continues to demonstrate deterrent effects and to test its generalizabity to other populations.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

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

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 40 offered by the gentleman from Kentucky (Mr. FLETCHER);

Amendment No. 42 offered by the gentleman from Indiana (Mr. MCINTOSH); and

Amendment No. 43 offered by the gentleman from Colorado (Mr. SCHAFFER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

The CHAIRMAN pro tempore. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 11, as follows:

[Roll No, 228]

AYES—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Capuano

NOT VOTING—11

Barcia
Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Northup
Radanovich
Salmon
Shays
Thomas

□ 1933

Messrs. CONYERS, STARK, KLINK and Ms. HOOLEY of Oregon changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the Chair announces that he 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 OFFERED BY MR. MCINTOSH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 126, not voting 8, as follows:

[Roll No. 229]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Dickey
Dicks
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—126

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Berkley
Berman
Biggert
Blagojevich
Bonior
Bono
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Ehrlich
Eshoo
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Gejdenson
Gilman
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kleczka
Kucinich
LaFalce
LaHood
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sanders
Scarborough
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Vitter
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—8

Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Salmon
Shays
Thomas

□ 1942

Mr, HOEFFEL and Mr. SCARBOROUGH changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SCHAFFER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 60, not voting 10, as follows:

[Roll No. 230]

AYES—364

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—60

Ackerman
Allen
Becerra
Berman
Boehlert
Castle
Clay
Conyers
Coyne
Cummings
Davis (IL)
Deutsch
Dingell
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilman
Gonzalez
Greenwood
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lowey
Maloney (CT)
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Olver
Owens
Pallone
Payne
Pelosi
Porter
Roybal-Allard
Rush
Sanchez
Scott
Stabenow
Stark
Towns
Waters
Watt (NC)
Waxman
Weiner
Wexler

NOT VOTING—10

Brown (CA)
Carson
Houghton
Johnson, Sam
Lucas (OK)
Menendez
Minge
Salmon
Shays
Thomas

□ 1952

The CHAIRMAN (during the voting). The Chair is aware that one of the display panels is not functioning properly. The tally clerk advises the Chair that those Members are being recorded. However, of course, any Member can check that their vote is recorded by checking with their card in another machine.

Messrs. HASTINGS of Florida, DEUTSCH, TOWNS, Ms. ROYBAL-ALLARD and Mr. ALLEN changed their vote from ''aye'' to ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia and Ms. DANNER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 44 printed in the RECORD. The Chair's understanding is that the gentleman from Michigan (Mr. CONYERS) does not choose to offer amendment No. 44.

Mr. CONYERS. Mr. Chairman, it is our decision not to offer the substitute amendment in order to complete business in a more expeditious manner. I am going to offer a motion to recommit instead.

I ask unanimous consent that the motion to recommit be permitted to allow 10 minutes on each side in lieu of the substitute.

The CHAIRMAN. The gentleman's request will have to be made in the House.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of Congresswoman EMERSON's amendment that simply states our entertainment industry does not act responsibly towards our children. I support this amendment because it is true. By the time a child has reached their majority, they have seen 200,000 acts of violence on television and 16,000 of these acts are murders. It appears the industry believes that sex and violence sells, and they abandoned all restraint. Even, in light of current events, the entertainment industry refuses to accept they might have some responsibility towards the communities they serve in America.

As a society we recognize that children are susceptible to their environment and that they learn from what they are exposed to. This is true in Hollywood and on Chicago's West Side. Children learn what they see as they grow up. Now we have video games where the sole purpose is to murder and kill other people. We have movies that depict only violence. We have music that vividly describes crime and murder. Our children are being exposed to this from an early age. I believe the entertainment industry has been derelict in its duty to provide more enriching entertainment. I believe we, as Members of Congress, must raise this issue with the entertainment industry and challenge them to do better! Today I rise to challenge the entertainment industry to produce a better product, a better movie, a better record. A product that enables us, as parents, to navigate the difficult task of raising our children more effectively. I am not laying the blame for our nation's problems at the feet of the entertainment industry, but I challenge them to do better.

Mr. SHOWS. Mr. Chairman, Congress debated throughout the night a bill that further punishes those who commit crimes against our young. Congress also passed amendments that would stiffen criminal penalties against juveniles that commit violent crimes. The House also passed amendments that would grant assistance to states to combat youth violence and close the revolving doors at our penitentiaries. Today, the House will debate gun control legislation.

I stand here today to call for more mental health professionals in our schools. It has been said that an ounce of prevention is worth a pound of cure. Those kids in Littleton, Springfield, Jonesboro, and Pearl were not members of street gangs and, to my knowledge, they did not have violent criminal records. They were emotionally disturbed kids suffering from depression and alienation.

Rather than passing more gun laws, we must focus on getting more mental health professionals into our schools. Background checks at gun shows won't prevent a kid from thinking he has nothing to lose from shooting himself or his classmates. But mental healthcare professionals in the schools can.

Imagine if more schools had a mental health care professional for every metal detector. Mr.

Chairman, we need to focus on our children before they commit crimes. We need mental health professionals to catch them before they fall into the hands of the criminal justice system.

Mr. CHAMBLISS. Mr. Chairman, I am gravely concerned about today's youth and the challenges they face growing up in contemporary society. If we do not restore values, morals, and principles to our schools and communities for our children, our great nation will continue to sink further into the cultural state of emergency we are mired in today. We should vote to empower parents so that they may in turn protect their children, our future leaders.

I recognize that many children face terrific difficulties as they grow up—deteriorating schools, broken homes, and crumbling neighborhoods. A culture of gratuitous violence, sexual irresponsibility, and illegal drug abuse. erodes the fundamental values that keep our families and our country strong.

In the wake of several tragedies involving school violence, it is appropriate that we focus on addressing youth violence and the problems which face our kids.

First let me say that we should not undermine our Bill of Rights, the cornerstone of our freedom which spells out the underlying principles of our nation. More laws that target and restrict the freedoms of law-abiding citizens are not the answer to addressing cultural problems that face our nation.

We must strengthen and enforce our current laws, we must effectively prosecute, and we must punish criminals who violate the law. But we must also restore sensible community values to our schools and communities. A common set of shared values is the fabric that has held American society together for over two centuries. Unfortunately, this fabric is fraying at the edges before our very eyes. I believe public figures should show strong leadership by setting good examples. I believe that through restoring prayer and religious values to the classroom, teaching character based education, and shielding our children from pornography and violent and sexually explicit material, our children and families can flourish in safer more secure communities.

Additionally, I am encouraged that many existing youth organizations and recreation clubs are right now promoting leadership, teamwork, and confidence in our younger generations. Groups like the Boys and Girls Clubs, Pop Warner Football, the National Council of Youth Sports, the Georgia Parks and Recreation Association, and the Sporting Goods Manufacturers Association are working hard to make a positive difference in our children's lives.

There are many steps that we can take to reach out to our children to guide them in the right direction. I believe that the actions Congress will take today to hold criminals accountable for their own behavior, to improve the enforcement of our current laws, to bolster support for programs that combat juvenile crime, and to prohibit the sale of explicitly violent or sexual material to children will go a long way in addressing some of the difficult issues which confront children in today's world.

Ms. KILPATRICK. Mr. Chairman, I rise in vehement and stringent opposition to H.R. 1501, the Republican Juvenile Justice Act. This bill will not solve the perplexing problem of juveniles and crime; it is an absurd waste of taxpayers' dollars and the precious time of this august body. It is a shame that while the Senate was able to forge a bipartisan juvenile justice bill, the House has been unable to do so. This is a bipartisan problem that needs, deserves and requires a bipartisan solution.

My initial objection to H.R. 1501 is that it was not considered in the House Judiciary Committee. No hearings were held, no testimony was received and there is no CONGRESSIONAL RECORD on this bill. As an elected Members in the great State of Michigan and the U.S. House of Representatives for almost a quarter century, I respect the due process that the State Constitution of Michigan and the Constitution of the United States establishes for the legislative process. We have all taken an oath to protect and defend our Constitution, and I abhor the lack of due process that this important issue deserves.

I also oppose this bill because this bill is a waste of taxpayers dollars. The Wall Street Journal (March 21, 1996) points out that high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, mandatory minimum sentences, and other tactics that simply do not work without adequate prevention programs. As a matter of fact, only six percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue. This bill is just posturing for political points, not an effective means for public safety. The acknowledged experts in this field—the police chiefs of our nation—believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers. This bill spares not one thin dime for before- or after-school prevention programs—programs that have been proven to work.

Let me illustrate a program that does work. Renaissance High School, a public school in Detroit, Michigan, will send all of its graduates—183 students—to college. According to an article in the June 17, 1999 edition of the Detroit News, Renaissance High School's principal, Irma Hamilton, says that ''Renaissance's success is dependent upon three different levels: students, parents and staff. It takes those three areas working together to provide a network of support for our students.'' It is only by working together that Renaissance High School achieved a 100 percent college acceptance rate. I challenge any of my colleagues to the superb work that is epitomized by Renaissance High School. Not only that, Renaissance High School's teamwork is an example that is sorely lacking in the debate on the juvenile justice bill.

My colleagues, we do have a chance to make this right. It is in the amendment, offered as a motion to recommit, by my fellow Detroit colleague, Congressman JOHN CONYERS, Jr. This amendment is a balanced, fair and comprehensive package that addresses both prevention and punishment. This bill provides grants to ensure increased accountability for juvenile offenders; provides funding for prevention programs; places 20,000 crisis prevention counselors in our nation's schools; ensures that there are more police officers on the beat; prevents juvenile delinquents from being jailed with adults; and requires states to address the issue of minority confinement. While minority children are one-third of the youth population, they are two-thirds of the children in long-term detention facilities. Studies indicate that minorities not only receive tougher sentences, but are more likely to be put in jail than non-minority youth for the same offenses. This is patently unfair and, I would add, criminal.

As a member of the House Appropriations Committee, I am one of the guardians of the purse of America. I abhor the wanton waste of the people's money, and my fellow appropriators and I have to make tough decisions with the few funds we have available. We need to put our scarce resources into programs and projects that work. The taxpayers of America demand that we do so. The Democratic alternative to H.R. 1501 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention and prevention. Anything less is an injustice to our youth, their parents, and all taxpaying citizens.

Mr. TOWNS. Mr. Chairman, as we consider prevention measures during this debate, we must acknowledge that our schools face a serious problem in their ability to provide prevention services.

Let me make it clear from the onset that I support bringing young people who commit crimes to justice; they must recognize the consequences of their actions. Yet, at the same time, we cannot be content with only punishment, we must endeavor to take all the necessary steps to prevent youth at-risk from entering the juvenile justice system. If we fail to do so, the current situation of gun-toting youths will only get worse. Our correctional facilities, which are already operating at full capacity, will not be able to handle housing scores of more juveniles. And once they are released, they will be no better off than when they entered. Therefore, prevention is a preferable path to follow.

That is why I am supporting the school anti-violence provision contained in the Democratic substitute, which would significantly bolster prevention efforts by mandating that some of our appropriations are directed towards mental health services for our young people.

Counseling is one of several resources that could prove valuable if only we used it, rather than neglect it. What I mean by this statement is that for counselors to be effective, we have to ensure that they are working in a proper environment.

A counselor's duties may vary by jurisdiction, but in general one would have some of the following responsibilities: conflict resolution, career guidance, administrative duties, and school activities coordinator.

It is rather reckless on our part to expect that counselors can be really effective in counseling and guiding students when they are saddled with an absurdly high student-to-counselor ratio and are also tagged with doing administrative chores.

Here are some statistics that indicate how thinly stretched our school counselors are. The recommended student-to-counselor ratio, as indicated by the American Counseling Association and other professional groups, is 250 to 1. The average national caseload is a little over 500 students per counselor, with some of the more extreme cases being in California, with a ratio of nearly 1,000 to 1, and Minnesota, at 925 to 1.

Counselors also should not have to juggle scheduling and other administrative work in

tandem with their counseling duties because this detracts from their primary duties. They are a necessary part of our prevention strategy, and there is no way that they can accomplish their goals when they are doing everything but counseling.

It seems that the only time there are calls for more counselors is after tragedies, such as the one at Columbine High School. Yet there is no reason that we respond with counselors only after a tragic event occurs. They should be there in the first place, and this bill provides the funds to do so.

Counselors can benefit us by helping us to identify those children who are potentially at risk, and by doing so, would aid us in devising a solution to intervene and potentially get to the root of the youth's problems. Yet there is no way that this can work if one has to monitor 1,000 students. Students will fall through the cracks since the resources which were designed to help them were not available when they were needed. The investment that we make now will pay off in the future with reductions in chronic problem behaviors and potentially improved results in the areas of attendance, test scores, and conflict management.

It is vital that we act now. The school population is projected to increase over the next few years, and if we are to have any chance of reducing the student to counselor ratio so that qualified mental health professionals can be of use to our students, we should pass this substitute. Prevention is the key, and improving mental health services is a big step towards strengthening our prevention efforts.

Mr. UNDERWOOD. Mr. Chairman, I rise today to tell the American people that the Conyers-Scott amendment in the nature of a substitute is the true bipartisan approach to address the problems of violence and crime that face our children. The school shootings in Oregon, Colorado and most recently in Georgia and the daily violence that our children are subject to while playing and living in our communities is evidence that society has placed our country under fire and the victims are our kids.

I agree that commonsense approaches need to be considered in helping to strengthen our juvenile justice system and I am disappointed in the manner form which H.R. 1501 reached the floor of the House.

However, the Conyers-Scott proposal is what we should be supporting because it's what the American people want. It incorporates the bipartisan agreements reached in the Senate addressing media violence, reauthorizes the ''Cops on the Beat'' program and authorizes the ''School Anti-Violence Empowerment Act.'' Most importantly, it includes the bipartisan agreements on the juvenile justice bill and the reauthorization of the Office of Juvenile Justice and Delinquency Prevention programs.

In our attempt to enhance our justice programs, however, I need to point out that there are discrepancies as to how U.S. Territories are considered in the administration of this juvenile justice program and express hope that we can resolve these discrepancies if this legislation goes to conference.

Though Guam and the other territories are defined as ''States'' in H.R. 1501 and the Conyers-Scott amendment, there is a discrepancy in the equal distribution of these funds. For no apparent reason Guam shares its state share with American Samoa and the Commonwealth of the Northern Mariana Islands. The U.S. Virgin Islands, the District of Columbia, and Puerto Rico all receive full state shares.

There is no rational justification for three U.S. territories in the Pacific to split while other territories be treated as states. I believe such a decision was arbitrary and unfair. There was never any consultation with my office or any other Territorial office to my knowledge.

Mr. Chair, the children in the Territories are also subject to the influences of the mass media and school violence and we must be fair in our treatment that programs meant to help saving childrens lives are distributed equally to them as well. I am hopeful that considerations can be made in the conference of juvenile justice legislation to clarify and correct the full funding allocation to all the territories.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Conyers/Scott/Waters Democratic substitute to H.R. 1501 and in opposition of the Republican sponsored juvenile justice bill which has let down children and American families by putting the interest of opponents of jug safety legislation above the safety and well-being of all children.

I want to draw your attention, Mr. Chairman and my colleagues, to the importance of time. In the time that I have been allotted to make this statement another child would have been shot or killed and another child would have been incarcerated in an adult facility which will do them more harm than good. As we sit here in this plush secure environment, it is easy to lose sight of how many children's lies could be saved through the enactment of sound gun control measures.

Mr. Chairman, we should enact the Democratic substitute which includes: the bipartisan House Judiciary Committee juvenile justice bill; the bipartisan House Education and Workforce Committee bill to reauthorize the Office of Juvenile Justice and Delinquency Prevention Programs; two Senate-passed media violence provisions; the extension of the ''Cops on the Beat'' program with an emphasis on cooperative school-police partnerships to place safety officers in school; and a School Anti-violence Empowerment (SAVE) initiative that provides funding for crisis prevention counselors and crisis prevention programs in schools.

Any effective juvenile legislation must include measures that are in the best interest of our children. Extremely important in this regard, is the protection of our children from abuse in adult facilities. We must assure that the health and welfare of our children are not being jeopardized in an adult prison. Although serious crimes are being committed by young adults, emphasis must be placed on prevention and corrective measures and not solely on adult conviction of very young offenders. Where we must put juveniles in adult prisons, they should be placed out of sight and sound of adult inmates. Prevention is the only key element in the proactive approach to teen violence. All other legislation approaches should complement prevention methods, just as the juvenile delinquency prevention block grant has aided in the reduction of juvenile crime.

Mr. Chairman, I was very disappointed that the amendment of my colleague, the gentleman from Wisconsin, Mr. OBEY, which would have authorized an initiative to attempt to prevent tragic incidents of school violence by improving mental health and education services to troubled children and youth who are at risk of committing violent acts was not made in order by the Rules Committee. The Obey amendment would have authorized the National Academy of Sciences to conduct a study to identify barriers that prevent school-aged children and youth in need of mental health or substance abuse treatment services from receiving appropriate counseling and treatment services financed through Medicaid, the State Children's Health Insurance Program, and other public health and mental programs.

It is a shame that this body is willing to send a 13- or 14-year-old to an adult prison but isn't willing to authorize a program which could have prevented the kid from committing the crime in the first place.

I urge my colleagues to support the Democratic substitute to H.R. 1501 and reject the destructive Republican juvenile bill which would no nothing other than prosecute children as adults, house juveniles with adult felons where they are more likely to be abused by adult prisoners, and impose numerous mandatory sentencing measures—which have been shown to exacerbate long-term crime problems.

Mr. DAVIS of Illinois. Mr. Chairman, in Chicago during 1996, 789 homicides were committed, 597 with firearms, in 1997, 759 homicides, 570 with firearms. Firearms were overwhelmingly the weapon of choice for murderers. Almost half of the known offenders in 1997 were under 21 years of age and about a third were between 21 and 30. The percentage of murders in which firearms were used was 75 percent in 1997, approximately the same percent as in the previous four years. More than 85 percent of firearm murders were handgun murders in both 1996 and 1997. In almost two out of every three 1997 murders in which the relationship could be determined, the offender and the victim knew each other.

In many cases, just imagine, no gun, no murder, no gun, no murder.

Let's make guns harder for murderers to get. Support the McCarthy amendment.

There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, 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. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, 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?

Mr. COBURN. Mr. Speaker, I demand a separate vote on the so-called Emerson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on

which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Add at the end the following:

**SEC. ___. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video ''killing'' games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The SPEAKER pro tempore. The question is on the amendment.

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

Mr. COBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 68, not voting 11, as follows:

[Roll No. 231]

YEAS—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
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—68

Baldwin
Becerra
Berkley
Berman
Blumenauer
Bono
Capuano
Cardin
Clay
Clyburn
Conyers
Cummings
Delahunt
Dingell
Dixon
Dooley
Eshoo
Farr
Fattah
Filner
Foley
Frank (MA)
Frost
Gephardt
Hastings (FL)
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Napolitano
Olver
Ose
Owens
Paul
Payne
Pelosi
Rangel
Rogan
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Sherman
Stupak
Thompson (CA)
Thompson (MS)
Towns
Waters
Watt (NC)
Waxman
Wynn

NOT VOTING—11

Brown (CA)
Carson
Chenoweth
Cox
Houghton
Hutchinson
Minge
Salmon
Shays
Spence
Thomas

□ 2013

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

Mr. GOODLATTE and Ms. STABENOW changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am.

The CHAIRMAN. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 1501 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**TITLE I—GRANTS TO ENSURE INCREASED ACCOUNTABILITY FOR JUVENILE OFFENDERS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Consequences for Juvenile Offenders Act of 1999''.

**SEC. 102. GRANT PROGRAM.**

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

**''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS**

**''SEC. 1801. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

**''SEC. 1802. GRANT ELIGIBILITY.**

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on juvenile offenders for each delinquent offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

**''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(3) INCREASE FOR STATE RESERVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

''(B) LAW ENFORCEMENT EXPENDITURES OVER 50 PERCENT.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

**''SEC. 1804. REGULATIONS.**

''(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

''(1) the State or local police department;

''(2) the local sheriff's department;

''(3) the State or local prosecutor's office;

''(4) the State or local juvenile court;

''(5) the State or local probation officer;

''(6) the State or local educational agency;

''(7) a State or local social service agency; and

''(8) a nonprofit, religious, or community group.

**''SEC. 1805. PAYMENT REQUIREMENTS.**

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

**''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

''Funds or a portion of funds allocated under this part may be used to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(a)(2).

**''SEC. 1807. ADMINISTRATIVE PROVISIONS.**

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State or specially qualified unit;

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

**''SEC. 1808. DEFINITIONS.**

''For purposes of this part:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'law enforcement expenditures' means the expenditures associated with prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

**''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 2000;

''(2) $500,000,000 for fiscal year 2001; and

''(3) $500,000,000 for fiscal year 2002.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.
''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

## TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

**SEC. 200. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
Sec. 220. Content of materials.
Sec. 221. Technical and conforming amendments.
Sec. 222. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.
Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
Sec. 265. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS

Sec. 271. Effective date; application of amendments.

## Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

**SEC. 201. FINDINGS.**

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

''(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.''.

**SEC. 202. PURPOSE.**

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

**SEC. 203. DEFINITIONS.**

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9) by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B) by striking '', of any nonoffender,'',

(6) in paragraph (13)(B) by striking '', any non-offender,'',

(7) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

**SEC. 204. NAME OF OFFICE.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'',

(2) in section 201(a) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(3) in subsections section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

**SEC. 205. CONCENTRATION OF FEDERAL EFFORT.**

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

**SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

**SEC. 207. ANNUAL REPORT.**

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' after ''priorities,'', and

(B) by striking '', and recommendations of the Council'',

(2) by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.'', and

(3) by redesignating such section as section 206.

**SEC. 208. ALLOCATION.**

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

**SEC. 209. STATE PLANS.**

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking ''justice'' and inserting ''crime control'',

(iv) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222'', and

''(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'',

(II) by striking ''justice'' the second place it appears and inserting ''crime control'', and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'',

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking ''juvenile justice'' and inserting ''juvenile crime control'',

(iv) by amending subparagraph (D) to read as follows:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'',

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'',

(v) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'',

(vi) by amending subparagraph (G) to read as follows:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'',

(vii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(viii) by amending subparagraph (K) to read as follows:

''(K) boot camps for juvenile offenders;'',

(ix) by amending subparagraph (L) to read as follows:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'',

(x) by amending subparagraph (N) to read as follows:

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;'',

(xi) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

''(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

''(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co±located facilities have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile—

''(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

''(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

''(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

''(v) detaining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

''(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

''(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) in paragraph (22) by inserting before the semicolon, the following:

''; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency'',

(P) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(Q) by amending paragraph (24) to read as follows:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

''(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.'', and

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'', and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (23) of subsection (a)''.

**SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

**''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM**

**''SEC. 241. AUTHORITY TO MAKE GRANTS.**

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to

carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(8) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

''(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

''(20) other activities that are likely to prevent juvenile delinquency.

**''SEC. 242. ALLOCATION.**

''Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

**''SEC. 243. ELIGIBILITY OF STATES.**

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

**''SEC. 244. GRANTS FOR LOCAL PROJECTS.**

''(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

''(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the

State shall give special consideration to eligible entities that—

''(1) propose to carry out such projects in geographical areas in which there is—

''(A) a disproportionately high level of serious crime committed by juveniles; or

''(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

''(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

**''SEC. 245. ELIGIBILITY OF ENTITIES.**

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

**SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

## ''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

**''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION**

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence;

''(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

''(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

''(ix) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES..—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

**''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.''.

**SEC. 212. DEMONSTRATION PROJECTS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

## ''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

**''SEC. 261. GRANTS AND PROJECTS.**

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such

grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

**''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

**''SEC. 263. ELIGIBILITY.**

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

**''SEC. 264. REPORTS.**

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

**SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

**SEC. 214. ADMINISTRATIVE AUTHORITY.**

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

**SEC. 215. USE OF FUNDS.**

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'',

(B) in paragraph (1) by inserting ''may be used for'' after ''(1)'', and

(C) by amending paragraph (2) to read as follows:

''(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

**SEC. 216. LIMITATION ON USE OF FUNDS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

**''SEC. 299F. LIMITATION ON USE OF FUNDS.**

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

**SEC. 217. RULES OF CONSTRUCTION.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

**''SEC. 299G. RULES OF CONSTRUCTION.**

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

**SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

**''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

**SEC. 219. ISSUANCE OF RULES.**

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

**''SEC. 299I. ISSUANCE OF RULES.**

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

**SEC. 220. CONTENT OF MATERIALS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

**''SEC. 299J. CONTENT OF MATERIALS.**

''Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''.

**SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

**SEC. 222. REFERENCES.**

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

**Subtitle B—Amendments to the Runaway and Homeless Youth Act**

**SEC. 231. RUNAWAY AND HOMELESS YOUTH.**

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

**''SEC. 313. APPROVAL OF APPLICATIONS.**

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

**''SEC. 341. COORDINATION.**

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

**''SEC. 345. STUDY**

''The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

''(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

''(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.''

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

**''SEC. 381. REPORTS.**

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary

shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

**''SEC. 386. EVALUATION AND INFORMATION.**

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 384; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

**''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

**''PART E—SEXUAL ABUSE PREVENTION PROGRAM**

**''SEC. 351. AUTHORITY TO MAKE GRANTS.**

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

**''SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

''With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

**''SEC. 387. DEFINITIONS.**

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as

a result of the lack of services available to the family to meet such needs.''.

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

**Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs**

**SEC. 241. REPEALER.**

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

**Subtitle D—Amendments to the Missing Children's Assistance Act**

**SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2003''.

**Subtitle E—Studies and Evaluations**

**SEC. 261. STUDY OF SCHOOL VIOLENCE.**

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of

this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

**SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.**

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

**SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

**SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.**

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

**SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.**

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

**Subtitle F—General Provisions**

**SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: ''A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.''.

**TITLE III—REAUTHORIZATION OF COPS PROGRAM**

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Public Safety and Community Policing Grants Reauthorization Act of 1999''.

**SEC. 302. REAUTHORIZATION OF PUBLIC SAFETY AND COMMUNITY POLICING (COPS ON THE BEAT) GRANTS.**

Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in clause (vi) by striking ''268,000,000 for fiscal year 2000'' and inserting ''500,000,000 each of fiscal years 2000 through 2005.''.

**SEC. 303. RENEWAL OF GRANTS.**

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by amended subsection (b) to read as follows—

''(b) GRANTS FOR HIRING.—

''(1) IN GENERAL.—Grants made for hiring or rehiring additional career law enforcement officers or to promote redeployment of officers by hiring civilians may be renewed for an additional 3 year period beginning the fiscal year after the last fiscal year during which a recipient receives its initial grant. The Attorney General may use, at her discretion, a portion of the funding for cooperative partnerships between schools and State and local police departments to provide for the use of police officers in schools.

''(2) INITIAL PERIOD EXPIRED.—In a case in which a recipient's initial grant has expired prior to the date of the enactment of the Public Safety and Community Policing Grants Reauthorization Act of 1999, grants made for hiring or rehiring additional career law enforcement officers may be renewed for an additional 3 year period beginning the fiscal year after the date of the enactment of such Act.

''(3) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. In a case in which a recipient receives a grant for an additional 3 year period, the amount for any additional years shall be increased by 3 percent to reflect a cost of living adjustment.''.

**SEC. 304. MATCHING FUNDS.**

Section 1701(i) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by striking ''up to 5 years'' and inserting ''each 3 year grant period''.

**SEC. 305. HIRING COSTS.**

Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended by repealing subsection (c).

**TITLE IV—SCHOOL ANTI-VIOLENCE EMPOWERMENT ACT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''School Anti-Violence Empowerment Act''.

**Subtitle A—School Safety Programs**

**SEC. 411. PROGRAM AUTHORIZED.**

The Secretary of Education is authorized to provide grants to local educational agencies to establish or enhance crisis intervention programs, including the hiring of school counselors and to enhance school safety programs for students, staff, and school facilities.

**SEC. 412. GRANT AWARDS.**

(a) LOCAL AWARDS.—The Secretary shall award grants to local educational agencies on a competitive basis.

(b) GRANT PROGRAMS.—From the amounts appropriated under section 416, the Secretary shall reserve—

(1) 50 percent of such amount to award grants to local educational agencies to hire school counselors; and

(2) 50 percent of such amount to award grants to local educational agencies to enhance school safety programs for students, staff, and school facilities.

(c) PRIORITY.—Such awards shall be based on one or more of the following factors:

(1) Quality of existing or proposed violence prevention program.

(2) Greatest need for crisis intervention counseling services.

(3) Documented financial need based on number of students served under part A of title I of the Elementary and Secondary Education Act of 1965.

(d) EQUITABLE DISTRIBUTION.—In awarding grants under this subtitle, the Secretary shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(e) ADMINISTRATIVE COSTS.—The Secretary may reserve not more than 1 percent from amounts appropriated under section 416 for administrative costs.

(f) ELIGIBILITY.—A local educational agency that meets the requirements of this subtitle shall be eligible to receive a grant to hire school counselors and a grant to enhance school safety programs for students, staff, and school facilities.

**SEC. 413. APPLICATIONS.**

(a) IN GENERAL.—Each local educational agency desiring a grant under this subtitle shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Such application shall include a plan that contains the following:

(1) In the case of a local educational agency applying for a grant to enhance school safety programs—

(A) a description of any existing violence prevention, safety, and crisis intervention programs;

(B) proposed changes to any such programs and a description of any new programs; and

(C) documentation regarding financial need.

(2) In the case of a local educational agency applying for a grant to hire school counselors—

(A) a description of the need for a crisis intervention counseling program; and

(B) documentation regarding financial need.

**SEC. 414. REPORTING.**

Each local educational agency that receives a grant under this subtitle shall provide an annual report to the Secretary. In the case of a local educational agency that receives a grant to enhance school safety programs, such report shall describe how such agency used funds provided under this subtitle and include a description of new school safety measures and changes implemented to existing violence prevention, safety, and crisis intervention programs. In the

case of a local educational agency that receives a grant to hire school counselors, such report shall describe how such agency used funds provided under this subtitle and include the number of school counselors hired with such funds.

**SEC. 415. DEFINITIONS.**

For purposes of this subtitle:

(1) The terms ''elementary school'', ''local educational agency'', and ''secondary school'' have the same meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term ''school counselor'' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

(A) possesses State licensure or certification granted by an independent professional regulatory authority;

(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

(3) The term ''Secretary'' means the Secretary of Education.

(4) the term ''school safety'' means the safety of students, faculty, and school facilities from acts of violence.

**SEC. 416. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this SUBtitle $700,000,000 for each of fiscal years 2000 through 2004.

**Subtitle B—21st Century Learning**

**SEC. 421. AFTER-SCHOOL AND LIFE SKILLS PROGRAMS FOR AT-RISK YOUTH.**

Section 10907 of part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8247) is amended by striking ''appropriated'' and all that follows before the period and inserting the following: ''appropriated to carry out this part—

''(1) such sums as may be necessary for fiscal year 1999; and

''(2) $250,000,000 for each of fiscal years 2000 through 2004''.

**Subtitle C—Model Program And Clearinghouse**

**SEC. 431. MODEL PROGRAM.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Education, in consultation with the Attorney General, shall develop a model violence prevention program to be made available to local educational agencies.

**SEC. 432. CLEARINGHOUSE.**

The Secretary of Education shall establish and maintain a national clearinghouse to provide technical assistance regarding the establishment and operation of alternative violence prevention programs. The national clearinghouse shall make information regarding alternative violence prevention programs available to local educational agencies.

**TITLE V—CHILDREN'S DEFENSE ACT OF 1999**

**SEC. 501. SHORT TITLE.**

This title may be cited as the ''Children's Defense Act of 1999''.

**SEC. 502. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.**

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

**SEC. 503. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.**

(b) PURPOSES; CONSTRUCTION.—

(1) PURPOSES.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) CONSTRUCTION.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.—

(1) EXEMPTION.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) LIMITATION.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws''—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) MOVIES.—The term ''movies'' means theatrical motion pictures.

(D) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) TELECAST.—The term ''telecast material'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that this motion to recommit on behalf of myself, the gentleman from Virginia (Mr. SCOTT); the gentleman from Michigan (Mr. STUPAK); the gentleman from Texas (Mr. GREEN); and the gentleman from Michigan (Mr. BONIOR), be extended to a total of 7½ minutes on each side.

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

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, the gentleman from Michigan (Mr. CONYERS) and I have discussed this, and in light of the fact that he agreed not to offer his amendment that he had that would have taken up 60 minutes, and this is a very complex motion to recommit; and the gentleman has also agreed to cut the time he was initially going to ask for from 5 minutes more per side to 2½ minutes, I think we should let the gentleman have that additional time in comity under those circumstances. The gentleman has already saved us time this evening.

□ 2015

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 7½ minutes.

Mr. CONYERS. Mr. Speaker, I will first begin by thanking the Chair of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM) for allowing us to move directly to a motion to recommit, instead of a substitute motion that I had which would have taken considerably longer.

But my motion to recommit is every bit as important as the substitute would have been. It returns us to a commonsense approach to juvenile justice.

Here is what it does. In addition to including the bipartisan Committee on the Judiciary and Committee on Education and the Workforce bill that have already been approved in those committees, my motion reauthorizes the COPS on the Beat program, authorizes funds for school resource officers, school safety programs, and after-school programs.

It also provides for a study of the effects of media violence, and grants an antitrust immunity to permit the entertainment industry to set voluntary guidelines on violence. Unless my substitute is accepted, the House will have taken no action which allows members of the entertainment industry to work to develop these guidelines.

Finally, unlike the McCollum amendment passed last night, my motion contains no gun-related provisions whatsoever.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Conyers motion to recommit. It includes the bipartisan H.R. 1501, as was introduced, which responded to judges, advocates, and researchers who told us what we needed from the judiciary point of view, and it includes the Goodling amendment, which we adopted a little earlier today by an overwhelming majority that provides prevention funds, and protects children, and the other programs the gentleman from Michigan mentioned.

For the past 2 days we have considered amendments on issues without any hearings, and we have been relegated to codifying sound bites, many of which will actually increase the crime rate.

This motion to recommit is a focused attempt to actually reduce crime. These provisions have gone through the regular legislative process and are supported by those who know what they are talking about. Anyone who had an adverse opinion had the opportunity to present that opinion.

Let us get serious about reducing crime and adopt the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding to me.

Mr. Speaker, as to juvenile justice, at one time we did have a bipartisan plan between Democrats and Republicans. Those bills did not contain any gun provisions. If we put back the bipartisan plan, we will go back to putting Cops on the Beat, we will authorize funds for school resource officers, school safety programs, and we will authorize after-school programs.

Unfortunately, tonight and in the last few days we got away from the proposals, and we are back to trying 13-year-olds as adults. We are back to housing kids with adult criminals and imposing new mandatory minimums and death penalties.

It is great to get tough on juveniles. As a cop, I know they do not work. We have to get to the root of the problem. Let us get back to the programs that bring some sanity back to the homes, the communities, and our schools.

We do not need all kinds of gun provisions to do that. I ask the Members, I implore them, to support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I also rise in support of the motion to recommit.

Having looked at the motion to recommit, my goal in trying to deal with the violence that is in our schools and in our country from our juveniles is not obviously necessarily more gun control. We will debate that this evening and tomorrow.

But what this amendment would do, if we vote for the recommital, it will provide more cops on the street, it will provide school resource officers and guidance counselors and after-school care and block grants for prevention.

My wife is a high school teacher in a very urban district in Houston. What we have seen today is teachers and counselors do not have the time to get to know those students. What we need is some additional assistance for our local schools and our States to be able to help. We need counselors who counsel and not just schedulers for classes. That is what this will do.

That is why I think we need to deal with the prevention programs, and let us leave gun control to the next debate. That is why I think this provision is so important.

Mr. Speaker, I ask for a yes vote on the motion to recommit so we can deal with prevention and get the tools that our teachers and our parents and our school administrators need.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me, and I would echo the comments made by my friends who have just spoken.

Our school officials struggled mightily and still are struggling to finish this school year. They are going to be working to restore the confidence of the community when the children and the teachers and the administrators go back in the fall.

But they need some help. We all understand they need help. Everyone here goes to schools and they talk to students, and they understand the dire need.

The bill, as suggested, the substitute we are talking about, adds guidance counselors. In my State, we have one guidance counselor per 500 students. It is not fair, it is not right. Children cannot get the attention they need with those kinds of ratios. Kids fall between the cracks. When they fall between the cracks, they engage in problems we have seen in so many communities across the country.

We also need more police officers or school resource officers in the schools. It is a good program. It is working across America. The program is running out of funds. It is running out of money. This will help restore the money and add additional money for school resource officers.

Third and very importantly, it will provide a safe haven for after-school programs for our children. As an old probation officer who worked with juvenile delinquents for many years, Members all know these figures, the teen pregnancies, the alcohol abuse, the drug abuse, they occur between the hours of 3 and 6, when no one is home.

If our kids can be in a safe place, in a school environment with adults, with grandparents, where they get this synergy and mixture of people coming together, mentoring, teaching each other, loving each other, caring for each other, we have an environment that we can be proud of and that can do something for our communities.

Mr. Speaker, I just want to applaud my colleague, the gentleman from Michigan (Mr. STUPAK) for suggesting this substitute. I ask my colleagues to vote for it. It is reasonable, it is fair. There are not any gun provisions in this substitute. It is the least we can do to help our communities get back on track this fall.

The SPEAKER pro tempore. Is the gentleman from Florida (Mr. MCCOLLUM) opposed to the motion to recommit?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 7½ minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Quite simply, the Conyers substitute is a poison pill to everything we have done out here the last couple of days.

Mr. Speaker, the Conyers motion guts almost every single one of these

amendments that this House approved yesterday and today, by wide bipartisan majorities, in most cases.

If the Conyers motion gets approved, we will have undone all of our bipartisan work here on the floor over the last 24 hours to protect our children and our schools and our communities.

I appreciate that the motion contains and leaves alone the base bill, H.R. 1501, as introduced, but it is quickly downhill after that. Yesterday this Chamber sent a message: Our children are the most precious treasure we have, and we intend to protect them. If individuals harm our children, we will punish them and punish them severely. The Conyers motion repudiates that.

Consider all the ways in which this motion undoes the work of this Chamber over the last day or so.

First, the motion would eliminate all of the bipartisan amendments approved on the underlying text of H.R. 1501.

It eliminates the Hutchinson amendment, that permits States and localities to use their accountability incentive grant funds to support restorative juvenile justice programs, an extremely successful approach that emphasizes moral accountability of an offender to his victim and the affected community.

It eliminates the Dreier amendment, that allows States and localities to use their accountability incentive grant funds to support anti-gang programs developed by law enforcement agencies to combat juvenile crime.

It eliminates the Wise amendment, that allows States and localities to use their accountability incentive grants to develop school safety hot lines, allowing the early warning signs of school violence to be reported to the authorities.

The Conyers motion also guts the numerous additions to H.R. 1501, dramatically strengthened in the bill, and increased the protections for our children. It does so by eliminating the Latham amendment that requires drug traffickers to compensate their victims for the harm of their poisonous trade.

The Conyers motion eliminates the Salmon amendment, Aimee's Law, an extremely important effort to ensure that convicted murderers, rapists, child molesters are held accountable.

The Conyers motion eliminates the Cunningham amendment, Matthew's law, which increases penalties for criminals who commit a Federal crime of violence against children under the age of 13.

It eliminates the Green amendment, which requires life imprisonment for repeat sex offenders who prey on our children.

It eliminates the DeLay amendment, which limits the ability of activist Federal judges to take over State and local prison systems by preventing judges from being able to force the early release of convicted criminals.

It eliminates the Tancredo amendment, which passed by a wide bipartisan margin, and simply declared that a fitting memorial on public school campuses may contain religious speech without violating the U.S. Constitution, and was specifically addressing the Columbine High School matter.

There are numerous additional amendments Republicans and Democrats alike offered that this House passed in the last 24 hours that would be eliminated.

The motion does not just vitiate good additions to the bill, it also guts all kinds of things that are here. It eliminates the minimum mandatory sentence for making false statements to a licensed dealer in order to illegally obtain a firearm if it was to enable a juvenile to use it in the commission of a serious violent felony.

The motion eliminates the tough sentences directed against gang violence and drug trafficking to minors.

His motion eliminates the mandatory minimum penalty directed against adults who use minors to distribute drugs.

It eliminates the mandatory minimum penalty directed against adults convicted of distributing drugs to minors.

It eliminates the mandatory minimum penalties for the knowing discharge of a firearm in a school zone resulting in physical harm, and it strips the provision providing for the death penalty if someone uses a gun to kill in a school zone.

It eliminates the mandatory penalty for discharging a firearm during a Federal crime of violence or a Federal drug trafficking crime, and eliminates the mandatory minimum penalty if the firearm is used to injure another person.

The Conyers amendment strips out the directive to the Justice Department that requires the Department to make the prosecution of Federal firearms violations a priority.

The Conyers amendment says to the administration, your feeble enforcement of current law is fine with us. The Conyers amendment says, all talk and no action is okay.

It eliminates the mandatory penalty directed against any person convicted of distributing, possessing, with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

The Conyers motion eliminates the death penalty for those who travel in interstate commerce and kill a witness in a criminal proceeding to keep them from testifying.

Finally, the Conyers motion would reauthorize the COPS program. This program, as attractive as it may sound at first blurb, is a flawed and problematic program.

Who is not for more community-based policing? But that should be a State and local funding matter. The COPS program is coming under increasing criticism for being expensive, inefficient, and ineffective. It has failed to come anywhere near producing its promise of putting 100,000 new police on the beat.

A recent audit by the Justice Department's Inspector General found that within 1 year, with 1 year to go on the President's program in his 6-year pledge to put an additional 100,000 police on the streets, only 50,139 officers have been hired and put on the beat. That is barely one-half of the total that was promised, with only a year to go.

I might add, the fact is that the local communities, in community after community around the country, are finding that they cannot afford to continue to pay the cops after the expiration of the subsidy in this bill that only lasts for 2 or 3 years.

This is no time to reauthorize a program that, while lending itself to nice sound bites, has been ineffective and poorly managed, and reauthorize it without even any debate on the floor of the House, not to mention the committee lack of debate, which Mr. CONYERS has criticized us for up to this point; no debate at all, just put it in the motion to recommit and we pass it tonight.

Mr. Speaker, over the last 24 hours, the House has responded to the complex mix of threats to our children by adding smart, balanced, and tough provisions to the underlying bill, H.R. 1501.

□ 2030

That underlying bill, which goes to improve our juvenile justice system, to rebuild the broken systems, because we do not have enough resources, not enough judges, not enough probation officers, not enough diversion programs, we are seeing that kids do not receive the consequences they should because they are not being punished for their misdemeanor crimes.

At this point in time, the reality of this is that we have a problem that is severe, that needs to be addressed, and the Conyers motion plainly rejects the additional provisions added to this bill. Our children, frankly, deserve nothing but the fullest efforts to protect them at home, on the playground, on the streets of this country, and the Conyers motion to recommit would just strip all of this stuff out that we did the last 2 days. So I strongly urge a no vote on it.

I yield to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I want to congratulate this House. For the last 2 days, we have stood up in a bipartisan way and looked at the problems out of Columbine High School and recognized what those problems were and addressed them in many different ways. I am really proud of this House for doing so.

What this motion to recommit does is undoes all of that and reasserts the notion that it takes a village to raise a child; add more cops, add more programs, add more counselors.

It does not take a village to raise a child. It takes a mother and a father to raise a child. It takes a mother and a

father that live in a village that is conducive to raising a child.

The lesson from Columbine High School is that we have created a culture that raises children that kill children. We do not need more counselors.

In fact, in Columbine High School, they sent the village to the high school. They sent counselors. They sent psychiatrists. They sent people from the village. What did the kids do? They went to church. The kids went to church. They rejected the village.

What this bill does now is recognize that, and recognizes that there has to be structure and limits and consequences. There has to be enforcement of the existing laws. People have to be allowed freedom to exercise their religion. Barriers have to be removed to allow us to raise a culture that hopefully some day will eliminate kids killing kids.

So if my colleagues vote for the motion to recommit, they undo some wonderful work that has been done these last 2 days in a bipartisan way. Vote no on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. STUPAK) will state his parliamentary inquiry.

Mr. STUPAK. Mr. Speaker, after the third time, I appreciate recognizing the fact that I had a parliamentary inquiry.

I would ask that the House be given an additional 5 minutes on each side.

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

Mr. STUPAK. Mr. Speaker, then let me try 30 seconds, an additional 30 seconds.

The SPEAKER pro tempore. A Member must stand to object.

Is there objection to the request of the gentleman from Michigan?

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 10, as follows:

[Roll No. 232]

AYES—191

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

NOES—233

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

NOT VOTING—10

Boucher
Brown (CA)
Carson
Ewing
Fletcher
Houghton
Minge
Salmon
Shays
Thomas

□ 2051

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, after final passage of H.R. 1501, the Consequences for Juvenile Offenders Act, we will begin 1 hour of general debate on H.R. 2122, the Mandatory Gun Show Background Check Act.

We will then proceed with 40 minutes of debate on the Dingell amendment immediately followed by a vote. Members should note that there will be approximately 2 hours between the vote on final passage of H.R. 1501 and the vote on the Dingell amendment.

Mr. Speaker, after the vote on the Dingell amendment, we will debate the McCarthy amendment for about 30 minutes and then vote immediately thereafter. That will be our last vote for the evening.

Mr. Speaker, we will continue, by the good graces of the committee, to debate two or three other amendments, but any recorded votes ordered will be rolled until tomorrow.

The House will meet at 9 a.m. tomorrow and immediately resume consideration of amendments to H.R. 2122. One minutes will be at the end of the day.

Mr. Speaker, we will probably begin debate tomorrow with the Davis of Virginia amendment with 30 minutes of debate. We will then have a series of three to four votes.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 139, not voting 9, as follows:

[Roll No. 233]

YEAS—287

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
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Ros-Lehtinen
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Royce
Ryan (WI)
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Sanchez
Sandlin
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capuano
Cardin
Clay
Clayton
Clyburn
Coburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Pickett
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Stupak
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—9

Brown (CA)
Carson
Cubin
Houghton
Minge
Salmon
Saxton
Shays
Thomas

□ 2102

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 233, I was unavoidably detained. Had I been present, I would have voted "yes."

## PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, earlier today, I was in Connecticut participating in the commencement ceremony at Greenwich High School and, therefore, missed eight recorded votes.

I take my voting responsibility very seriously, having missed only 4 votes in my almost 12 years in Congress.

I would like to say for the RECORD that had I been present I would have voted "yes" on recorded vote number 226, "yes" on recorded vote number 227, "yes" on recorded vote 228, "yes" on recorded vote 229, "yes" on recorded vote 230, "yes" on recorded vote 231, "no" on recorded vote 232, and "yes" on recorded vote 233.

## ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules is expected to meet on Tuesday June 22, 1999, to grant a rule for the consideration of the bill H.R. 1658, the Civil Asset Forfeiture Reform Act.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table no later than the close of business Tuesday, June 22.

Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary, a copy of which may be obtained from the committee.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 209 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. 2122.

□ 2103

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. 2122) to require background checks at gun shows, and for other purposes, with Mr. THORNBERRY 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 Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, the legislation we are about to consider before us this evening is here because all of us are concerned with the safety of our children in school, at home, on the playground, and on the street. That is the same reason we were considering the bill we just passed a moment ago.

In America, every child should have an opportunity to get a full education, to excel in the workplace to the best of his or her ability, to raise a family and to enjoy the high standard of living that the genius of the Founding Fathers of this great free Nation allowed us to develop. No child should have his or her life cut short in a suicidal massacre such as happened at Columbine High School or by any other violent criminal act.

We cannot address adequately by legislation all of the causes of violent crime in our society, but over the last 2 days we have crafted legislation in H.R. 1501 which, if enacted, will greatly assist our States and local communities in reducing the torrent of violent youth crime afflicting this Nation. The grant program in this legislation will help repair the broken juvenile justice systems in our 50 States and send a message to teenagers that there are consequences for their criminal misbehavior at every level, and that if they continue to engage in a course of criminal conduct there will be ever more severe punishment. I believe the experts that this legislation will make a difference.

Now we must turn our attention to the loopholes in the gun laws of this Nation that have become very apparent in the aftermath of the tragedy at Columbine. Over the last several weeks, there has been much debate over the issue of guns; debate in public, debate in the press, debate in this House. And despite all the differing views of those on all sides, there is one thing that I believe everyone agrees upon. We need to keep guns out of the hands of children, convicted felons and those who use them to harm our families.

Existing law prohibits a convicted felon, a fugitive from justice, a drug addict, an illegal alien, a minor, and several other categories of people from buying a gun. Several years ago an instant check background system was phased in specifically for the purpose of screening out convicted felons and other disqualified persons who attempted to buy guns from a gun dealer. This is a name check system.

The name check system has its weaknesses, one of them being that while the names of persons arrested for felony crimes are computerized in a central bank at the FBI, the conviction or acquittal records are not. Some States have computerized the disposition records showing conviction or acquittal but many have not. So when the name of a gun purchaser is entered in the instant check system and a hit is made, it is frequently only known that the person has an arrest record for a felony, not whether there was a conviction.

Once there is a hit of someone's name in the instant check system, there has to be contact made by someone working in that system to the county courthouse in the county and the State where the arrest was made to find out if the person was convicted of a felony crime on the charges that show up on the arrest record in the computer, or whether that person was acquitted, or maybe the charges were pled to a lesser offense, or, who knows.

If the sale is made over the weekend, and I think this is very important to note, if the sale was made over the weekend and the instant check turns up an arrest hit on the purchaser's name, the county courthouse is not open for business and the records cannot be checked to find out if there was a felony conviction that would disqualify the purchaser until Monday, when the courthouse opens.

This is the principal reason why current law provides that if an arrest hit occurs on a name in an instant check, law enforcement has up to 3 business days to determine whether there was a felony conviction before the sale can be completed. If it is determined there is a felony conviction, there can be no sale. If it does not make a determination, the sale may proceed at the end of the 3 days.

Now, when somebody buys a gun at a gun show from a dealer, under current law the instant check system works exactly the same as it does if somebody goes to the gun store and buys the gun from the gun dealer. However, if the purchase is made by an individual nondealer citizen at a gun show, if that is the one who is selling the gun, an individual nondealer citizen, there is no background check to see if the person is a convicted felon who is attempting to make the purchase. This is a big loophole. This is the loophole that the bill before us, H.R. 2122, closes.

Under this bill, an instant background check has to be done on anyone who purchases a gun at a gun show. No matter who the seller is, whether they are a dealer or an unlicensed individual vendor at the gun show, they may not sell any firearm under this bill until the buyer of that firearm has been checked through the instant check system. Under this bill, anyone who knowingly violates the requirement will be subject to criminal prosecution and civil penalties.

Requiring purchasers at a gun show to wait 3 working days might mean that the sale is not completed until well after the gun show is over, and so H.R. 2122 allows the sale to proceed after 72 hours, or 3 calendar days, as opposed to business days. This will be long enough to delay the sale if it is made over a weekend, until the county courthouses are open on Monday, and the arrest name hit can be resolved, but it also allows gun show purchasers to complete their transactions promptly. There is no need to have a 3-business or -working day wait.

Mr. Chairman, some Members want this period shortened to 24 hours, but the instant check statistics show that only about half the hits are ever cleared up in 24 hours, and on Saturdays this clear rate is even lower. Whenever the check system tells a dealer to delay, it is always because a hit has occurred in the name of the person seeking to buy a firearm. We have to make sure that we delay these sales until we can determine if the person trying to buy the firearm is a felon or a fugitive, and this often cannot happen until the following Monday morning.

The bill also requires persons who organize or conduct shows to register with the Secretary of the Treasury, in accordance with the Department's regulations. It also requires gun show organizers to check the identification of those who desire to be vendors at the gun show and record their names in records the gun show organizer must maintain.

Under present law, only licensed dealers are authorized to conduct background checks on potential firearm purchasers. In order to make sure there will be sufficient number of persons at gun shows who can conduct these checks, the bill allows other citizens to apply to the Secretary of the Treasury to become instant check registrants. These instant check registrants will not be licensed to sell firearms, but they will be licensed to conduct a background check, and they will be subject to the regulations promulgated by the Treasury Department. I am sure a number of persons who are not dealers, but enjoy exhibiting, buying, and selling firearms at gun shows will go through the process to obtain a permit to conduct these background checks.

H.R. 2122 also defines a gun show. For the purposes of the bill, a gun show is an event which is sponsored to foster the collecting or legal use of firearms at which 50 or more firearms are exhibited for sale or exchange, and at which 10 or more vendors are present.

Now, I must say, Mr. Chairman, I was disappointed to read in today's paper, in The Washington Post, a piece by Attorney General Janet Reno, which I must sadly say it makes it appear that she is playing more politics than substance, and I am used to hearing from the Attorney General on a lot more substance. She complains about the provisions in this bill in ways that just do not make sense.

Now, I would like to say one thing about this. I believe that the Attorney General's office should be spending more time working to improve the existing instant check system to get more of the records on file in a way that will have the felony convictions there, than trying to fiddle with the details of a piece of legislation where she is totally incorrect about what she is saying in that article.

Miss Reno says in her column something that appears to show concern

that my system in this bill will allow what she calls amateurs to access the instant check system. That is not the case. All instant check registrants that are created under this bill, H.R. 2122, will be licensed by the Secretary of the Treasury. They will follow all regulations promulgated by the Secretary of the Treasury. And, besides, it does not take a rocket scientist to operate the system. It only takes the ability to call in a name and the date of birth to the check system. The new instant check registrants will not undermine the system in any way.

Miss Reno also complains that the requirement in the bill that all background check of records and transactions that go through must immediately be destroyed will undermine her ability to audit the system. The only need to audit the system is to ensure that unauthorized checks are not being run. We do not need to keep the records on everybody who files to buy a gun. That is not the way we do things in America. We should not have that kind of filing that is kept. That is nonsense. While it may be a benefit in certain respects to have these records, it is certainly not worth the risk of allowing the government to keep records of individual law-abiding citizens for months at a time.

Again, I am very disappointed in the Attorney General and her purported criticism of the underlying bill, which, as I said, does not have merit.

I believe H.R. 2122 strikes a fair balance between the need to assure that firearms are kept out of the hands of criminals and the right of law-abiding citizens to keep and bear arms. The bill will close the existing loophole that could allow criminals to buy firearms at gun shows. It will encourage the government to conduct background checks as quickly as they practically can, without risking that a firearm might be sold to a convicted criminal simply because the courthouse where the conviction record was kept was closed on the weekend of the gun show.

We need this legislation. We need to close the loophole. We need to keep the guns out of the hands of convicted felons. It is so important to do so that I am asking my colleagues to set aside all of the differences, all of the bickering that has been going on over the little ''i's'' and ''t's'' and so forth out here. Consider the safety of our children and grandchildren and vote in favor of this bill.

It does not need to be amended on the gun show portion. It is a solid piece, well balanced, well thought out to protect both the law-abiding person who wants to buy a gun at a gun show; to protect the organizer of a gun show who should not be subjected to the unnecessary liability hazards that are in the other body's version of this, and may be an amendment offered out here today; and it protects the American public, which is most important, our children and our grandchildren, from those convicted felons who might otherwise, without this legislation, be able to buy a gun at a gun show they cannot buy from an authorized dealer.

□ 2115

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

Mr. CONYERS. Mr. Chairman, I am pleased to begin our general debate on H.R. 2122 by yielding 4 minutes to the gentleman from Missouri (Mr. GEPHARDT) the distinguished minority leader of the House.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Chairman, I rise tonight to urge Members to support the McCarthy amendment that is cosponsored by the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from New Jersey (Ms. ROUKEMA) and the gentlewoman from Maryland (Mrs. MORELLA) the gentleman from Illinois (Mr. BLAGOJEVICH) and others. And I recommend it to Members because I think it is the most reasonable and common-sensical approach to this problem.

Let me begin the debate tonight by submitting some agreements that I think all of us agree to.

I think all of us here believe in the Second Amendment, we believe in the right of American citizens to have, possess, and bear arms.

Let me also submit that all of us believe that doing something about the availability of guns to children is not going to solve alone or nearly alone the problem of school violence that we face.

There are a lot of other things that, hopefully, will be considered here on the floor of the House in the days to come. We need to address all of the problems of the way children are raised, the way children are taught, so that we can raise law-abiding, productive citizens in the case of every child in our country.

But the McCarthy amendment and the amendment presented by the gentleman from Florida (Mr. MCCOLLUM), which has many merits about it, are both based on the idea that the Brady bill that we passed in 1993 has been an important change in the law that has brought about an improvement in terms of who is able to buy guns.

The Department of Justice today released information that said that in the last 6 months 17,000 criminals, people who had been convicted of crimes, were refused the ability to buy a gun because of the operation of the Brady law.

Let me just read some of the cases that were affected under the Brady law.

On January 9, 1999, in Texas a convicted murderer was not allowed to buy a weapon. On February 6, 1999, a person under indictment for aggravated assault with a deadly weapon was denied the right to buy a weapon. On February 27 of this year, a person convicted of aggravated kidnapping with intent to rape a child was denied the right to buy a weapon in my own State of Missouri, February 13 of this year, a person wanted for domestic battery in Illinois. February 27, a person convicted of illegal possession of explosives in New Mexico.

I could go on and on. I could read 17,000 people in the last 6 months who were refused the right to buy a gun.

This law works. We had 70 or so percent of Democrats, 30 percent of Republicans who voted in a bipartisan way for the Brady bill in 1993. It was a good thing to do. It was common sense. And it has worked.

The problem is there was a loophole, as often there is in laws that we write, and a lot of people have been driving through that loophole. The loophole is that we have a thing called gun shows and flea sales, flea markets, where people can go and buy weapons today and not have the Brady check.

And so, what we are on the floor tonight in part to remedy is that loophole. And I believe that the McCarthy amendment does that the best, for two reasons. One, I think it has the definition of a ''gun show'' that is tight enough to pick up most of the gun shows. And secondly, the time period, and the gentleman from Florida (Mr. MCCOLLUM) has talked about this, is longer than in other amendments that will be presented and allows the check to actually take place.

Now, in truth, about 90 percent of the people will be able to buy the gun at the gun show because the instant check is working and it will not stop them from being able to buy the gun at the site within the first hour or so after they make the purchase.

So this is a reasonable piece of legislation.

I had an officer, a police officer, in Chicago the other day come up to me on a plane and he said, ''You know, it is really important that you get rid of this gun show exclusion.'' He said, ''I go into high schools all over Chicago and I ask kids, 'Do you have a gun at home?' Everybody raises their hand. I ask, 'How many of you know where the gun is right now?' Everybody raises their hand. I ask them, 'How many have shot the gun?' Everybody raises their hand.''

He said, ''I grew up in the inner City of Chicago; and I can tell you, when I was a kid,'' and he was not that old, certainly not as old as I am, he said, ''guns were not that available.'' He said, ''When we had a fight in school, maybe it was a fistfight. At worst, it was a knife somebody brandished. But nobody could get to a gun.'' And he said, ''The truth is, and I know this for a fact because I work in this area, the guns that are coming into Chicago now are coming through the gun shows and the flea markets because people that want to sell guns to kids are going there to get out of the Brady law.'' This is a loophole we need to close, and we can close it tonight.

Now, let me end with this: I think a lot of Americans are tuning in tonight

to hear this debate because I think the American people are looking to us in a bipartisan way to take a small step in the right direction to address a problem that I believe is a national crisis.

When we have Littleton and we have Georgia and we have Arkansas and we have Oregon and we have Kentucky and we have kids killing kids in high schools, not just in inner cities but in suburbs all across this country, we have a national crisis.

We lost more kids yesterday to school violence than we lost in Kosovo and in Bosnia in the last 3 years put together. This is a national crisis. Thirteen kids a day go down to school violence.

The police officer in Chicago said when he was talking to me on the plane, ''It is 9:30 at night. There have already been three funerals in the City of Chicago of children who were killed by children tonight.'' And he said, it is every night, every night, every night, every night.

We know this is not going to solve the problem alone. But it is a step in the right direction.

I went to Littleton on the Sunday they had the memorial service a week after the children were killed. I met with Colin Powell and the Vice President, the parents of the dead children. They came through one at a time. It took an hour and a half. I hugged them. I cried with them. As I held them in my arms, all I could think of was my kids.

One of the mothers had the picture of her child with a frame. She sobbed in my arms for about 2 minutes. I cried with her. When she stepped back, she looked at me and she said, ''Congressman, please go back to the Congress and take some step so that my child did not die in vain.'' That is what we owe the people of this country tonight.

This should not be a political issue, a partisan issue, a Democrat-Republican issue. This is an issue of our children, of saving children's lives, of making guns less available to the children of this country. We can do this. We can make America better tonight.

I urge Members to search their conscience and their heart, let us not let these children die in vain. Vote for a good, common-sense amendment, the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, it gives me pleasure to yield 7 minutes to the gentleman from Illinois (Mr. HYDE) the distinguished chairman of the House Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I listened to the Democratic leader's marvelous words and emotional, and rightly so, presentation; and I could not agree with him more. We have a very serious problem. But, oh, my God, it goes so far beyond guns.

Yesterday we talked about the poison that is being fed to our children through videos, through the games, through the movies, through television. And our response to that? A resolution of the sense of Congress.

So if we really want to get into this problem, let us get into all facets of it.

Now, let us talk about guns. Much as some do not like it, or much as some are very uncomfortable with it, there is a Second Amendment to the Bill of Rights to the Constitution and that Second Amendment says, the right of the people to keep and bear arms shall not be infringed.

Okay. I believe in the Second Amendment and I believe people have the right to keep and bear arms. On the other hand, there are serious problems with the proliferation of weapons. There are, in my judgment, too many guns too easily accessible to kids, and we have to do something about it. It is a shame we cannot do something about it together rather than in a partisan way.

Now, I support H.R. 2122, the Mandatory Gun Show Background Check Act, which will close the loophole in current law that permits dangerous criminals to buy guns at gun shows without mandatory background checks.

There has been a lot of discussion in the Senate and the House about how to deal with gun shows. There are approximately 4,400 gun shows annually in the United States, and many of the people who buy guns at those shows do so without going through a background check.

Only federally licensed firearm dealers are required to run checks on prospective buyers at gun shows. While there are many licensed gun dealers selling their guns at gun shows, there are just as many unlicensed guns and they do not have to run background checks. So H.R. 2122 changes that. Any and all gun transfers at gun shows will have to undergo a background check.

Some believe that gun shows should be completely shut down, and they have used their version of mandatory background checks as a disguise for closing them down. Well, I think that is wrong. If they want to close gun shows down, propose it. If they want mandatory background checks all the time under every circumstance, then propose that. But do it with definitions and realistic regulations, as we have done in H.R. 2122.

This proposal on gun shows is straightforward. It will work in the real world. It achieves everything that is necessary to ensure that mandatory background checks are performed by responsible people at gun shows, and it does so without driving them out of business or interfering with private sales and family transactions.

□ 2130

H.R. 2122 requires a background check for every buyer at a gun show. It also requires gun show organizers, licensed dealers and instant check registrants, those are individuals authorized to conduct instant background checks at gun shows, to keep records that can be used by Federal law enforcement officials in criminal investigations.

Criticisms of this bill by the administration suggest it does not close the gun show loophole. Those criticisms are entirely unfounded. Let me explain the definition of ''gun show.'' H.R. 2122 would define a gun show as, quote, ''an event which is sponsored to foster the collecting, competitive use, sporting use or any other legal use of firearms, and 50 or more guns are offered for sale, and there are not less than 10 vendors selling guns.''

This definition of gun shows reflects the real world we live in. The administration opposes the 10 vendor requirement, arguing that gun transactions at smaller gatherings would not be subject to background checks. We are not aware and the administration has not offered any evidence to the contrary that any of the 4,400 gun shows last year had fewer than 10 vendors. To the contrary,we know full well the average gun show has many vendors that often fill the entire exhibition halls and convention centers.

Let me discuss the definition of a ''gun show vendor.'' The administration opposes the requirement in H.R. 2122 that a vendor is someone who sells firearms at a gun show from a fixed location. This fixed location condition is necessary, because gun show organizers are subject to Federal criminal prosecution if they do not register every vendor selling firearms at their gun shows. These organizers cannot know someone is merely attending a gun show and spontaneously offers to sell a firearm to another person. This happens. Some people attend gun shows and bring guns they want to sell if they can find a buyer at the right price. It would be unfair to hold organizers criminally liable for something they cannot control. It will only serve to discourage organizers from conducting gun shows which may be the hidden agenda of some. Every firearm transaction at every gun show, regardless of whether the seller is a licensed dealer, a vendor or just an attendee and regardless of whether the transfer occurs within the building housing the gun show or in the surrounding parking lot requires a background check.

Now, this bill, this amendment, provides a middle way between the Dingell amendment and the Lautenberg or the McCarthy amendment. It is a middle way. It is a balance, to balance the rights of legitimate gun owners and balance the rights of the vulnerable public. And so I hope that Members will consider it in that light as the middle way and as a compromise and acceptable.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is the most amazing piece of legislation that has never come out of the Committee on the Judiciary. What we do is

in closing a loophole that has been graphically described by the gentleman from Florida is that we open up one, two, three, four, four new loopholes and reopen a loophole that had been closed previously.

The gunrunner loophole, and I hope somebody on the other side wants to discuss this with me on their time. The gunrunner loophole. That means that nine vendors, there is a 10 vendor requirement here, nine vendors then could sell all the weapons they could bring in in a truck without being required to do background checks.

The let's-step-outside loophole which allows vendors to complete their transactions by merely stepping out of the grounds of the gun show to make the deal.

The roving vendor loophole which allows gun vendors to sell firearms with no background checks if they are simply walking the premises and not at any fixed location.

The convicted felon loophole which weakens all instant background checks, thanks a lot, from 3 business days, to 72 consecutive hours. Get it? Is that hard for anybody to figure out, what that does?

And then we go back and reopen a closed loophole, the Lee Harvey Oswald loophole, that would allow a gun dealer to ship a firearm across State lines directly to the private residence if any part of the transaction took place at a gun show.

Now, what is the remedy? There are two opportunities to correct the problem. One is the McCarthy amendment and one, the second is the Conyers-Campbell bipartisan substitute, word for word are the same.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON) a member of the committee.

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Chairman, this has been a monumental week. We are dealing with two great constitutional issues in the first and second amendments.

I rise now in support of H.R. 2122 introduced by the gentleman from Florida (Mr. MCCOLLUM). He and the staff of the Committee on the Judiciary worked hard. Now we in Congress must meet the two challenges. On the one hand, the Democrats charge that we must immediately address this national crisis of youth violence and on the other we must ensure that prudent steps be taken to protect the liberties guaranteed by the second amendment of the Constitution.

I listened with interest to the charges made by my friends on the other side of the aisle. They decry singling out the entertainment industry's responsibility for an increase in violence in our society. They claim it is unreasonable to think that one industry is at fault. But they claim the gun industry is responsible for violence in our society. This is outrageous hypocrisy.

The debate today is not about blame. It is about the Federal role in the interpretation of the second amendment. I am going to focus my remarks today on section 3 of the gentleman from Florida's bill, the instant check gun tax and gun owner privacy section.

All of us agree that criminals should not be allowed to purchase guns. At the same time, I believe the Federal Government should not keep permanent records and lists of law-abiding gun owners after they have already cleared the hurdles of an instant background check. No law-abiding gun owner has a problem with a background check to purchase a firearm. What he or she resents is the central government unconstitutionally keeping records of gun ownership by innocent, law-abiding citizens.

When the Brady bill was passed, gun shows were excluded from background checks because the checks took several weeks to complete. Today we have an automated database that allows background checks to be completed in a couple of minutes. In fact we had testimony that those checks could be completed in 3 to 5 minutes. So we can easily screen out felons attempting to purchase guns at gun shows.

With a fully operational database of felons and other classes prohibited from buying guns, we can eliminate any Federal record of law-abiding gun owners. This legislation guarantees no records will be kept of legal gun owners while strictly enforcing current laws for criminals who attempt to purchase guns.

I believe the second amendment right to own a gun is inherently tied to the right to not have the government know who owns a gun. This legislation assures that. I urge passage of this amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I am here to ask Members to show some courage for the sake of our children. I am here to ask the 56 Republicans who were brave enough to buck the power of the gun lobby and vote for the Brady law to show that courage again and vote for the McCarthy-Roukema-Blagojevich amendment which closes the last loophole in the Brady law.

Right now a criminal with a rap sheet of violent crimes can go to a flea market and buy an arsenal of weapons and not even be subject to a criminal background check. This is an outrageous and inexcusable state of affairs and the McCarthy-Roukema amendment stops it. The Republican bill, however, falls far short from closing the loophole. Now, the NRA is happy about that, because it gives the appearance of doing something without doing something. But who are my Republican colleagues answering to, the NRA or our children and our families and the tragedies we have seen across this country?

To those 56 Republicans who voted for the Brady bill, finish the job with us. Stand with us. Vote for the McCarthy-Roukema amendment. Close this loophole that criminals are using to buy guns and show that you are standing for our Nation's children and against a gun lobby that has gotten out of control and out of touch with the priorities of the American people. The life you save with this vote may not only be your own, but more importantly it may be of your child or your grandchild or your neighbor's child. This is a crucial vote. This is a vote that sends a message whether we are serious about entering the next century making our schools and our communities safer for our children and our families.

Vote for the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1–¾ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, every time an outrage such as that at Columbine where children are killed occurs, we hear from the NRA that guns do not kill people, people kill people. But the truth is, of course, that guns do not kill people. People with guns kill people.

The United States has the loosest gun laws of any industrialized country. That is why we have the following statistics. When you look at other industrialized countries, France, 36 people killed with handguns; in Great Britain, 213; in Germany 200; in the United States 9,390. Three years ago, 5 years ago we passed a Brady law, finally after much effort. That law has kept 400,000 guns out of the hands of felons and mentally incompetent people, people who should not have had guns. Now we are trying to have some modest proposals to close some loopholes.

Unfortunately, the rule did not make in order a proposal to ban gun kits from being sent out, gun kits that made a gun that killed a constituent of mine, Ari Halberstam, for the crime of being in the wrong place at the wrong time and identifiably Jewish.

They did not make in order the one-gun-a-month amendment so that gunrunners could not go to Florida, buy 100 guns, come back and sell them on the black market in New York. But they did make in order the McCarthy amendment. They did make in order the Conyers-Campbell substitute.

We should pass these amendments, we should reject the Dingell amendment which actually put more loopholes into the law, so that we can be

honest with the American people when we go home and tell them we have done something to give them a little more assurance that their children will not be the next victims of this country's fatal obsession with guns.

Mr. Chairman, when are we going to get serious about limiting access to guns? When are we going to stand up to the NRA and pass legislation to save lives?

Listen to Jesse Bateman, a junior high school student from Louisiana, who wrote, ''Five of my friends and I were hanging out at another one of our friend's house. All of a sudden two people who we thought were our friends walked in with guns. They demanded that we give them . . . drugs and money, and when we told them that we didn't have any, they started shooting. Two of my friends died and another one was paralyzed from the waist down. One of the ones that died was my best friend, he got shot in the head and died instantly.''

People with guns kill our children every day, and we ought to do everything we can to limit access to these deadly weapons. The gun safety amendments that we will soon consider are extremely modest measures. It is the least we can do.

The NRA-written Dingell amendment is a sham that actually weakens our existing law. Had it been in effect for the last six months, 17,000 people who were denied access to guns would have gotten them. It guts the Brady law by reducing the amount of time that police have to investigate the background checks of individuals with questionable arrest records from 3 business days to 24 hours. What is the rush to get guns into felon's hands? We can't wait three days before allowing individuals with suspect records to obtain deadly weapons? This is outrageous.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

I come tonight to honor and to pay tribute to children that have died. A young boy, Chris Hollowell, age 5, was unintentionally shot and killed by his 10-year-old brother at a relative's house. The boys were handling a semi-automatic handgun they found in their uncle's bedroom, in the closet, when the gun went off and struck Chris in the head. The brother dragged him to the front lawn screaming in pain for help, and Chris was pronounced dead at a hospital 30 minutes later.

Someone sitting in their living room is saying, ''Well, I told you, it's that boy that did it.'' But it is really guns; 260 million of them. That is why I rise to say that we must support the McCarthy amendment, and unfortunately argue against and oppose H.R. 2122. Because H.R. 2122 sidesteps the issue. It pays homage and worships at the throne of the National Rifle Association.

□ 2145

But I am going to pay homage and respect to the dead children and those that may die tomorrow and the day after tomorrow and next month.

It is important that we realize that gun shows around this Nation are unregulated, that people buy guns without checks, that law enforcement officers cannot find them. We need to support the McCarthy amendment that closes the loopholes on gun shows. We need to support the Conyers-Campbell bipartisan bill, and it is too bad we did not have the Jackson-Lee amendment that would ask that children be accompanied into gun shows.

I am going to stand here every day and support the dead children and not pay homage and worship to the throne of the National Rifle Association.

Mr. CONYERS. Mr. Chairman, what is the time situation on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 18¾ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, this spring, like other mothers and fathers across the country, I froze when I heard the news of what was happening in Columbine High School, and I think, like the other mothers across the country, my first reaction was, ''Are my kids safe?''

As we sorted through the massacre that happened there, all of us parents realized that something needed to be done.

Finally, the United States Senate acted. They adopted modest gun safety measures for our children. Since then, in this House, what an odd dance we have seen. What could have been simple here in the House of Representatives has become complicated—too complicated. Tonight, however, we have a chance to make it simple again. And what do we need to do?

We need to vote for the McCarthy amendment. We need to vote for the Hyde-Lofgren large clip amendment, and, by supporting these amendments, we will conform our conduct with what the Senate did.

Will this solve everything? No, it will not. There will still be disturbed children. There will still be neglected kids who do wrong. There will still be children whose conduct is skewed towards violence. But we know this.

If those boys in Colorado had not had all of those guns, a lot of other good kids would have been alive to graduate from Columbine High School last week.

So it really is easy tonight. Stand up for what the mothers and fathers of America want us to do tonight: deliver to them the sensible gun safety laws. They expect no less.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey (Mr. ROTHMAN), a member of the Committee on the Judiciary and doing a wonderful job.

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Chairman, this week we have addressed the issue of juvenile crime by passing some important measures. We have voted for mentoring programs, after-school programs, juvenile witness assistance programs, toll-free hotlines for anonymous student tipsters, and we have even voted to help local communities install metal detectors for their schools. Only one substantive step and the most important step needs to be taken: taking the guns out of the hands of the children.

Mr. Chairman, I am a Democrat who believes in the second amendment right to bear arms; the right to bear arms by responsible adults.

There were many factors that contributed to the recent school killings: lack of parental involvement, the prevalence of violent, cruel and sadistic video games, television shows, and movies. But when all is said and done, the main culprit was the easy accessibility of guns to the children.

Mr. Chairman, some people think that Americans cannot do two things at once. They think that it is impossible to allow law-abiding adults to own guns while at the same time restricting children's access to guns. They underestimate the intelligence and the ability of the American people to recognize and respond to the need for responsible gun control measures where our children are concerned.

Most Americans and most Democrats support common-sense gun legislation that allows law-abiding adults to have guns, but keeps guns out of the hands of criminals and children. The Senate has already done their job: Passed common sense gun laws. Now it is up to the House to do the same. It is up to us not to fail our children.

I urge my colleagues to support the McCarthy-Roukema and Conyers-Campbell amendments. Let us not let our children down.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon, (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

It is a sad day when the Speaker of this House is unable to deliver on his promise of a deliberative process on efforts to reduce gun violence. This bill bypassed entirely the substantive committee process, despite the promise of the Republican leadership; a pointless delay, which has only allowed the NRA and other gun violence apologists to politick and fund-raise to their hearts' content, while distorting the effects of this modest Senate provision.

We have an opportunity to support these provisions rather than weakening them further and show that there is a way to give voice to the concerns of

the overwhelming majority of the American public on this issue. If we care about families, we should enact Federal child access laws like 17 States have done. We can close the gun show loophole rather than make it worse. These are modest steps, but they start us in a new direction to make America a little less lethal.

The victims of gun violence are not just the children in schoolyards, classrooms and America's neighborhoods. We are all being held hostage. It is time for a majority of the Members of this Congress to stand up and start in a new direction.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, as a former school nurse, I feel so strongly about the national crisis of gun violence in our schools.

In my district, many law-abiding citizens own guns, and, of course, I strongly support the rights of hunters and sportsmen to keep and use their firearms. But there is no reason why children and teenagers should have such easy access to guns. There is no simple solution to youth violence, but common-sense safety legislation is the place to start.

I have heard it argued that safety locks and real gun show background check provisions will not save many lives. But even if these bills save the life of just one child, is that not enough?

Let us stand up for America's families. Let us keep our children safe from the horrors of gun violence.

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

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, the competing gun safety bills that the House is considering do not appear to differ greatly, but in fact those differences are important to keeping firearms out of the wrong hands and closing the gun show loophole.

The Department of Justice has worked to make the instant check more convenient. Some 73 percent of all background checks now are done instantly; another 22 percent within 2 hours. That means just 5 percent require additional information before the purchase can be completed, but that is an important 5 percent.

The most important difference between these competing bills is the length of time allowed to clear or deny that remaining 5 percent. The Dingell bill gives law enforcement only 24 hours. The Hyde-McCollum proposal, 72 hours. The McCarthy proposal, like the Brady law, gives law enforcement 3 business days.

Let me be clear about who in North Carolina would have been cleared for gun purchases if the present check were only 24 hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun in North Carolina on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared, and on May 15, a person convicted of rape in Virginia would have gotten a gun. But because law enforcement had 3 business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

If the background check is to do its job, if the gun show loophole is to be closed, law enforcement must have the time it needs. The differences between these proposals are important: Vote for the McCarthy substitute.

Mr. Chairman, firearms legislation tends to focus intense heat in the House. What I want to try to do is shed a little light.

The competing gun safety bills that the House is considering do not appear to differ greatly, but the differences are important to keeping firearms out of the possession of felons, fugitives, and those with a record of domestic violence, drug abuse or mental illness.

The Brady law, despite all of the predictions made in 1994 that it would not work, has stopped over 400,000 gun sales to dangerous persons. It has helped reduce the homicide rate in the United States to the lowest in a generation. And now we have the chance to plug the Brady bill's greatest loophole: unregulated gun shows.

No doubt, the background check required by the Brady law is an inconvenience, but it is a small inconvenience that has saved lives. The Department of Justice is working hard to make the instant check more convenient. Some 73 percent of all background checks are approved instantly. Another 22 percent are approved within two hours. That adds up to 95 percent of all background checks, approved within two hours. The remaining five percent require additional information before a purchase can be completed or denied.

Perhaps the most important difference between the competing bills we vote on today is the length of time allowed to clear or deny that remaining five percent. The Dingell proposal gives law enforcement twenty-four hours or the gun gets transferred. The Hyde-McCollum proposal gives seventy-two hours. The McCarthy proposal, like the Brady law, gives law enforcement three business days to track down the details to make certain that a gun buyer is not a prohibited person before allowing the transfer.

Let's be clear about who in North Carolina would have been cleared for guns if the present check was only twenty-four hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared to purchase a firearm. And on May 15, a person convicted of rape in Virginia would have gotten his gun. Because law enforcement had three business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

It seems a small inconvenience to require that the five percent of questionable purchasers wait up to three business days before completing a gun purchase. Like the background check itself, it is a small inconvenience that will saves lives. I urge the adoption of the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I thank the ranking member for yielding me this time.

I would like to read excerpts from a letter that I received.

My name is Karly Kupferberg, and I live in Evanston, Illinois. I am 14 years old, currently in the 8th grade, attending Haven Middle School.

School is supposed to be a place where kids go to get an education and to start their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school.

I know that when I heard about the Columbine shooting, I thought to myself, here we go again. The next day I had to go to school in a similar environment of the Columbine shooting and worry about someone coming in with a gun, opening fire. It was terrifying.

This is too much for kids to deal with, and I don't find it fair. Why should we have to worry about dying at school?

I think it is time as a Nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be Federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill.

Karly says, we want it stopped, and we need help because we cannot do it by ourselves.

We can help Karly, my granddaughter, Isabel and all of our children by plugging the loopholes and voting for McCarthy, Roukema and Blagojevich amendment.

I would like to read a letter that I received.

*May 16, 1999.*

DEAR JAN SCHAKOWSKY, My name is Karly Kupferberg and I live in Evanston, Illinois. I am fourteen years old, currently in the eighth grade attending Haven Middle School, Next year I will be entering Evanston Township High School as a freshman. Over the past couple of years, as you know, there have been an extremely high number of school shootings. I noticed that each time these unfortunate shootings happen, the assailants become bolder which culminates in more tragedy. School is supposed to be a place where kids go to get an education and to start to build their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school. What is going on here? Schools are no place for violence and crime. This should not be happening to children, the future of America. How are kids supposed to go and get an education when they have to be worried about their safety in school and it being the next place for these school shootings to happen? I know that when I heard about the Columbine shooting I thought to myself, ''here we go again.''

The next day I had to go to school, in a similar environment of the Columbine shooting, and worry about someone coming in with a gun opening fire. Maybe one of my classmates, maybe not, but either way it was terrifying. How can our nation tolerate these inhuman acts of terror and why is this happening? This it too much for kids to deal with and I don't find it fair. Why should we have to worry about dying at school?

I think that it is time, as a nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill. I know that I hate watching these poor, innocent victims and their families as they are torn apart and traumatized for life. My heart goes out to all the families victimized in these school shootings. Then I have to ask you, how can you sit in front of the television at night watching the news and seeing all those horrifying pictures of the school shootings, and not worry about your children or grandchildren at school. You must fight back against all that is wrong and make it right for your kids. This is what I have decided to do by writing this letter. I'm hoping that everyone that reads this letter will finally see that the children of America are crying out for help and shelter from the crime and bloodshed. We want it stopped and we need help because we can not do it by ourselves. By passing stricter gun control laws and requiring the parents who own guns to lock them up, we can help piece this nation back together. Other parents won't have to worry if their kids are safe at school and children won't have to worry about anyone coming into their school causing further tragedy. We need to act quickly to stop school shootings from becoming as culturally accepted unfortunately as gang shootings have become in America. So please help eliminate the crime from schools and make them a safer place for kids of America.

Sincerely,

KARLY KUPFERBERG.

We can help Karly and my granddaughter Isabel and all of our children by closing the loopholes and passing the McCarthy, Roukema, Blagojevich Amendment and the Conyers Campbell Amendment.

Mr. CONYERS. Mr. Chairman, may we get a reading on the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11½ minutes remaining; the gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, law-abiding citizens in the United States have nothing to fear from applying the Brady background checks to gun shows. If one is a member of the NRA and one is law-abiding, the McCarthy gun show bill does nothing to threaten one's rights. However, if one is a criminal and one wants to buy a gun, that is the purpose of the McCarthy amendment.

The focus is on the criminals. There were 5,200 gun shows last year; 54,000 guns came and were confiscated in crimes that came from gun shows. We have a gaping loophole that we are trying to close, and there are three measures that might achieve that: the Hyde amendment, the Dingell amendment and the McCarthy amendment. Three great Members, one good measure.

Under the Hyde amendment, 9,000 criminals could get guns within 6 months at gun shows. Under the Dingell amendment, 17,000 could get guns at gun shows. This according to the Department of Justice.

If it is about keeping criminals from getting guns, support the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding me this time.

Mr. Chairman, later on tonight we will be considering the Dingell amendment, which I strongly support.

I know that to many people, restrictions on the use and sale of weapons seem like common sense. Those who live in urban areas, particularly the inner cities, seldom hear of a gun used for hunting or for sport. Instead, to them, guns are almost always associated with crime and violence.

Others know that guns are used safely for sport, to shoot game and to protect one's home. In fact, more guns are used each day in self-defense and to prevent crime than are actually used to commit crimes. Clearly, there is a difference of perspective based on individual's own life experiences.

The clash of opinions comes when new gun control restrictions are perceived as punishing law-abiding citizens rather than the criminals themselves. To me, the need is not for more gun control legislation on the books, but better enforcement of the laws we already have.

□ 2200

We all know that under this administration there have been very, very few prosecutions of crimes involving guns.

For example, thousands of felons were identified as attempting to illegally buy weapons under the Brady law, yet this administration chose not to prosecute a single person.

We also know that we would not be here today if the Littleton tragedy had not occurred. Yet none of the proposed restrictions we will consider later tonight would have prevented those deaths. What certainly would have prevented the killings would have been the enforcement of the dozen gun laws that were broken during the course of the acquisition, possession, and use of the guns involved.

One more point, Mr. Chairman. The violence and crimes committed with guns are not the root problem, just the manifestation of it. The root problem is the destruction of American values. Our efforts should be directed towards strengthening those values, and not passing restrictive amendments which are going to be considered later tonight and which do not solve the problem.

We should seek reasonable solutions. That is what the Dingell amendment will help us to achieve.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of the McCarthy amendment. Congress needs to act in three areas to restore sensibility and workability to our gun laws.

First, we need to close the gaping loophole that permits unregulated and undocumented sales of guns at flea markets and gun shows.

Secondly, we need to restore a three-day waiting period that would permit a cooling-off period and also permit law enforcement to do proper background checks.

Third, we need to increase accountability and responsibility, requiring manufacturers to use the latest technology of child safety locks and load indicators that would indicate whether guns are loaded, and we could tell at a glance, and require more accountability from parents to safely store their guns.

The McCarthy amendment would restore the background checks and bring gun show sales into compliance with recordkeeping and background checks.

These improvements will reduce juvenile access to weapons. We should restore sanity, protect kids, and pass McCarthy.

Mr. MCCOLLUM. Mr. Chairman, I understand both sides would be agreeable to extending the time of the general debate, so I ask unanimous consent for an extension of the debate for 5 minutes to each side, or a total of 10 minutes, and not on amendments, on the general debate on this bill.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) shall each be recognized for an additional 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT).

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Chairman, we have some 20,000 plus gun laws in this country. Yet, there are those on this floor that would tell us if we pass two or three more, that will solve the whole problem of illegal use of guns.

Does that not strike Members strange, that Members of this floor want to add to 20,000-plus gun laws already on the books, most of which are not enforced by this administration, by the way, but they do not want to pass

any laws to stop peddling of filth and pointless violence to our children?

The Columbine tragedy struck a chord with all Americans, but we should be looking at the core of the issue, which is why young people think it is okay to commit violent crimes.

Could it possibly be that kids grow up seeing thousands of acts of violence without seeing the consequences of these actions?

There are video games where the fun of the game is to kill and maim people. People even get extra points if they kill innocent bystanders. Movies with no artistic merit are out there letting kids see death and destruction at unparalleled rates. We have let our children become numb to these things.

Do not tell me there are those who cannot tell the difference between Saving Private Ryan and Natural Born Killers. That is a disgrace to the millions of Americans who experienced the violence of war in the defense of freedom.

The uncalled-for violence that is provided to our children through television, movies, video games, and music videos should stop. However, under the cloak of the First Amendment, many want to allow these providers of violence and corrupters of our culture to police themselves. How very, very strange.

Liberals claim that conservatives have been bought off by the NRA for their opposition to more gun laws on law-abiding citizens. The focus should be placed on if this administration and the liberal wing of Congress have been bought off by Hollywood types who have been getting filthy rich peddling filth to our young people.

The erosion of America's morality has desensitized our children's ability to discern right from wrong, and even to value human life. This debate should not be about more laws on guns, or adding even more laws at any point. It should be about our culture and values that have gone really, really wrong.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I resent bullies, and I always have. I think that the leaders of the NRA are the bullies of all bullies.

Today I find myself once again fighting against NRA threats, threats against Members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a Member of the Petaluma City Council in California, I was threatened by these same individuals, who promised to post my name in their place of business if I voted for local gun control.

Let me tell the Members, I told them I would be proud to have my name posted in their businesses, and I told them how to spell my name. I did not want my name up there unless it was spelled right.

Today I am proud to stand for the McCarthy, et al., amendment, and I am proud to stand for the Conyers-Campbell amendment, amendments that keep our children safe, and any bully who wants to hold that against me needs to spell my name right: W-O-O-L-S-E-Y.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am looking at the clock. It is 10 o'clock at night. We have been debating for 2 days and we have finally gotten to guns. I think about this afternoon, and the fact that we debated the Ten Commandments.

It is not going to be until 3 in the morning when we finally debate 10 bullets in every magazine that can be stuck into a clip and mowed across any Long Island railway to take out some member of a family who is trying to get home in the evening. We are going to debate that at 3 o'clock in the morning? Shame on this House and this process.

I cannot get my head around this loophole thing that the Republicans keep talking about. They want loopholes? Let me understand this correctly. The Brady bill is designed to screen out criminals from getting guns, but no, the Dingell amendment and the Republicans want to create a loophole so that criminals can get guns.

I do not get it. They want criminals to get guns. I cannot figure it out any other way. If they did not want criminals to get guns, they would be for closing the loophole. That is what loopholes are. They are mechanisms to get around the law. Let us close the loophole and pass the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Chairman, despite all the rhetoric that is being used by liberals here tonight, the thrust of their effort is one of the most dishonest attempts to disguise legislation that I have ever seen.

To my colleagues and to my constituents in Georgia's Eighth District, they deserve to know what is behind all the smoke and mirrors here tonight.

The majority of the amendments that we are debating are not about saving lives, they are about taking rights away from law-abiding citizens. What we are talking about is gun control. That is the wrong issue.

Just yesterday and today this House approved amendments that were truly aimed at saving lives, preventing tragedies, and solving the cultural problems facing our Nation. That is where we need to direct the debate tonight.

Let us punish those who break the law, let us enforce the laws already on the books, and let us limit the access of children to violent and sexually explicit material. We do not need to punish law-abiding Americans. We do not need more gun control legislation.

I will oppose all attempts to chip away at America's Bill of Rights, and I urge my colleagues to do the same. The Second Amendment and the 10th Amendment are part of our Constitution. Every single Member of this body took an oath to uphold the Constitution of the United States of America. Uphold the Constitution by defeating any gun control measures on the floor tonight and in the future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the gun show bill we are considering today falls far short of what this Congress should be doing to protect America's children. This bill is really a sham, the NRA has shot so many loopholes in the Senate gun show language.

Let me just list a few of them. First of all, it opens up a gun runner loophole. H.R. 2122 would only apply the definition at events where 10 or more vendors are selling guns and where 50 or more guns are sold, regardless of the amount of guns sold. This means that nine vendors could sell thousands of firearms at a gun show without being required to do any criminal background or age checks.

It also opens up a ''Let's step outside'' loophole. The bill allows gun vendors to complete transactions of gun sales with no background checks if the seller and purchaser merely step outside of the curtilage of the gun show to make the deal.

It also allows for a roving vendor loophole. This bill allows gun vendors at gun shows to sell firearms with no background checks if they are simply walking the premises.

So please support the McCarthy-Roukema and the Conyers-Campbell amendment. Without these amendments, these loopholes will mean that criminals will get guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

(Mr. PASCRELL asked and was given permission to revise and extend his remarks.)

Mr. PASCRELL. Mr. Chairman, I have a question: What do the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Police Foundation, the National Association of Black Law Enforcement Officers, Black Executives Research Forum, what do they all have in common? They support waiting 3 business days, like we want, like the McCarthy proposal has put forth.

What do we know that they do not know? That is a question Members must ask. I am tired of hearing about liberal organizations. Are these liberal organizations? What is their hidden agenda? They have to deal with this

day in and day out, the police officers of the country. They know what they are talking about. They look at this firsthand.

Let us look at the record. Just this year in the State of Michigan, this year, February 6, 1999, a twice-convicted domestic violence batterer; April 24, 1999, a person convicted of domestic assault and battery, were stopped because of the three-day rule. They would be out on the street today doing their business.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), one of the indefatigable Members of the House.

Mrs. MCCARTHY of New York. Mr. Chairman, I am sitting here and I am listening to this debate. I know what is in my amendment. My amendment is closing a loophole. That loophole is not taking away anyone's right to buy a gun except a criminal.

My amendment also puts in there that there will be no national gun registry. Has anyone read this amendment? We talk about adding new laws. We are not adding new laws. We are using the existence of the Brady bill that is already there.

Seventy-five percent of the people that go to gun shows can get their guns in a short amount of time. Some might actually have to wait 2 hours. It is the criminals that have to wait. It is the criminals that we want to wait. It is the criminals, that is what we are supposed to be doing.

Where is our debate going? We are supposed to be saving people's lives, our police officers, our children. That is our job, and that is what the American people want.

□ 2215

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I have found tonight's debate incredible. Just a few moments ago, we were accused of wanting criminals to get guns.

Now, does anyone really believe that any Member of this body, I would not accuse anybody of that, wants criminals to get guns?

Criminals steal guns. Criminals do not buy guns in the marketplace. They buy them in the black market. They steal them.

We also have trivialized the Ten Commandments. I would urge the gentleman to read them. One is, Thou shalt not kill. That is one of the Ten Commandments that was talked about today, and it was trivialized here a few moments ago.

Earlier this evening in this debate, we heard the figure of 13 children. Now, one child is too many, but what is children? I asked several people what they considered children and they said 10 and under; 12 and under. Well, let us take 14 and under. The national statistic is less than 2, but we hear from the President, we hear from the minority leader, we hear from leaders trying to make this issue 13.

That is a lie. That is not the facts.

Two is too many. We cannot afford to lose any children.

I ask all of my colleagues if we pass every amendment, if we pass every bill that is before us, will Littleton have been prevented? No. No, it would not.

What has happened that very young children can pull a trigger and kill another human being? It used to be people who had been in the war and had scars and had emotional problems that would crack and we would suddenly have a crime wave in one of our cities.

In World War II, I have been told that less than 35 percent of the trained soldiers could pull the trigger when they had the enemy in front of their sights because of the value of life that we have all been taught to treasure.

What has changed us? In the Vietnam War, I am told through video-type simulations, that number went up much higher because we taught them to pull the trigger and pull the trigger at targets that were like people, until they were desensitized, and so they could take a life without giving much thought.

Something has changed in this country. The people do not value life. That is what we need to deal with. It is not guns. Nobody wants criminals to have guns.

What has desensitized young people? Just a few years ago when I was State chairman of health in Pennsylvania, I was at Temple University at the trauma center. I was a member of the trauma board and they told me that 45 to 50 percent of the people at their trauma center was from street crime in Philadelphia.

Now some of that has moved out to rural America where I live, and I am as concerned as the people in Philadelphia and all of our cities. But what has changed? They told me that street crime dominated their trauma centers; a third guns, a third knives, and a third clubs. Are we going to deal with clubs and knives? That was their statistics, unsolicited, for when I was chairman of health and welfare in Pennsylvania.

Mr. Chairman, what has changed in our communities and our schools about drugs? Twenty years ago, there were few drugs in rural schools. They were in urban schools, and the crime was in urban cities. Today there are drugs everywhere in this country, every hamlet, every corner. Drugs are available to 7th and 8th graders. What are we doing about that? We have lost the war on drugs.

We spent $18 billion, Mr. Chairman. The problem before us is far beyond the gun. That is just part of the problem.

Mr. CONYERS. Mr. Chairman, I yield 20 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, being that I could not be yielded time by the gentleman from Pennsylvania (Mr. PETERSON), let me just say that in 72 hours, over the weekend, the criminals are the ones that will walk away with the guns. We know that. We have the statistics for that. If we go back to the 24 hours, I am saying between January and today if it was under 24 hours we would have 17,000 criminals getting guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise proudly in strong support of the McCarthy amendment.

Mr. Chairman, I believe I was elected to help make this world a better place for our children and this amendment will simply close a loophole in current law. It will simply make it more difficult for criminals to get guns at gun shows that they could not purchase anyplace else. That is it. This is one small reasonable way to make the world safer for our kids.

As a new parent of a little boy, I care deeply about the safety of his world. So I am casting my vote in favor of this amendment.

I have been inundated with calls from the NRA, like many of my colleagues. A well-financed NRA campaign has flooded my district with distorted information about what this amendment will do, and that is their right and they certainly have money to promote the distortions, but let me say, Mr. Chairman, they are wrong.

So I say to my colleagues, this is an important issue. It is worth casting a yea vote, even if it risks losing your seat. If we cannot come together on a proposal so reasonable, then we have abandoned our communities and turned our backs on our children.

I urge my colleagues to vote yes on the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we are all entitled to our own opinion on this issue, but we are not entitled to our own facts. The fact is that in 1996, 10,744 people were murdered with firearms in this country. That is more than were murdered with firearms in all 25 industrialized nations combined.

In that same year, 106 people died of firearms in Canada. Now, Canadians love to hunt. They probably hunt more than we hunt, but they understand that handguns are not for the purpose of hunting animals. They are for the purpose of killing people.

The gentleman suggests that that figure of 13 children being killed every day is not accurate. The fact is, 13 young people, under the age of 19 are killed every day in America. We do not read much about them probably because most of them are killed in the inner cities of our nation but they should matter and they should not be killed because we have made handguns too accessible to their killers and we should pass the McCarthy amendment

because it will probably save even a few of those young lives.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I do not know what world some people have grown up in but I grew up in urban America. From the time that I can recall, I have seen people with guns killing people.

It seems as though all of a sudden there is a revolution or an evolution of guns on the streets and we do not want to realize that they are killing people every day.

This amendment, the McCarthy amendment, simply closes a loophole. We could go much further. For example, if we go back in the beginning of the 19th century in the wild, wild West when guns were everywhere, there were times where people had to check their guns in. There was gun control back then. Yet here we are now not sensible to see violence is here, and we must do something to stop it.

Gun control is what stops it, and we are not even talking about that here in this bill. For if we do not pass this bill, let us then ask who the bell tolls for. The bell tolls for thee.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6 minutes and 10 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, tonight we choose between common sense and unreasoned fear. It would be common sense to close loopholes with the McCarthy amendment on gun safety laws. It would be unreasoned fear to think that keeping felons from firearms will somehow keep dads from deer rifles. On this night, we should choose common sense.

I am a Member with a somewhat unique perspective because in 1994 I voted to ban assault weapons and I was defeated. It was bitter and it was painful, but I have not regretted that vote for one second, for a simple reason: Any child's life is more important than any Congressman's seat. No Congressman's seat is more important than any child's life.

The reason I am back here now is that the world has changed since 1994. America is tired of burying its children, and we need to put aside this notion that common sense will do anything else but to restore order.

In January of 2001, I will come to this floor and celebrate with my colleagues. I will celebrate the children who are alive because of the actions we take tonight.

I lost my seat in 1994 on gun issues, but I am going to win my seat in 2000 by voting for common sense for families. This is the right thing to do and, Mr. Chairman, America knows it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, no one is accusing anyone of anything. Let me suggest that this is a bill of unintended consequences, but it is a dangerous and irresponsible measure because it would weaken the Brady law and it will put lethal weapons into the hands of criminals. That is because the bill denies the FBI the 3 business days it needs to complete its background check on those very people that are most likely to have a criminal history, like the convicted rapist who traveled from Virginia to North Carolina just last month for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas, or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

Now, these are just a few of the thousands of criminals who have tried to purchase handguns in the last 6 months and were stopped because a 3-day, business day, background check revealed their criminal history before the sale could go through.

If this bill had been the law of the land 6 months ago, the FBI, and that is not a liberal organization, Mr. Chairman, estimates that 9,000 of these people would have been walking the streets with a license to kill. So please, Mr. Chairman, think of that before this vote.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes 10 seconds remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. METCALF).

Mr. METCALF. Mr. Chairman, we are discussing today an issue which harkens back to our earliest times, before the Revolution or even the Declaration of Independence. Those who have visited Lexington and Concord remember the statues commemorating the ''minute-men,'' statues of frontiersmen with flintlock muskets ready to be used at a moment's notice, and in mid-April 1775 that moment arrived. The British marched out of Boston on the road to Lexington and Concord.

I want to raise the question tonight: Why, why were the British marching out of Boston in those pre-dawn hours?

□ 2230

The answer is appropriate to this discussion. The British had heard that the colonists were stockpiling arms and ammunition at Lexington and Concord, and they were intent on capturing and/or destroying the colonists' guns.

When the British marched out to take away their guns, the colonists drew a line in the sand. They would go to war to protect their right to keep and bear arms. Millions of Americans today believe that that line is still there.

I will vote to protect those who use guns legally and responsibly. The decision to bear arms must be reserved for law-abiding Americans, not by this Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, it is hard for me to understand why it has taken this Congress this long to pay any attention to gun violence. Each of us knows that this is a tragedy in our country, and we come here and we waste the taxpayers' money talking about the NRA, talking about Democrats, talking about Republicans, when the color of our blood is the same regardless of where we are from.

Why is it that it took Littleton for us to face this tragedy? In the district I represent, they are killed every day, children are killed by spraying bullets, yet we pay no attention, yet we come here to try to undercut or degrade amendments that come up to try to protect us.

Now, if we do not protect ourselves, no one else will protect us. We are here in the highest body in this land, yet we cannot face one of the worst tragedies this country has ever faced, and that is the use of guns.

Guns do not create violence alone, but what creates violence is the atmosphere of the people one lets have these guns.

I stand before my colleagues today and plead to them to do the right thing. Stop worrying about how you look back home. Worry about how you look in your heart. It is important.

Mr. CONYERS. Mr. Chairman, I yield the remainder of the time to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

(Mr. WEINER asked and was given permission to revise and extend his remarks.)

Mr. WEINER. Mr. Chairman, as much as some of my colleagues would like this to be a debate about the history of the second amendment, about whether or not we should govern clubs and sticks as well as guns, this is a very simple and narrow proposition that we are considering today; and that is, if a person walks into a shop where guns are sold on a Friday before a long weekend, and they want to purchase a gun, almost instantly 75 percent of those people that walk in there can walk out with that gun with no problem at all. But if that same exact person walks into a gun show, they could also walk out instantly, 75 percent of them.

It is what happens to that other 30 percent, the ones where a flag comes up

on that Friday and we are unable to determine why it is that that person has a flag.

Just so we understand here, over 300,000 people have walked into shops and tried to buy guns that were not entitled to have them, criminals, people that were going to do wrong with them, people that I am sure our Founding Fathers would have said it is absurd to say that someone who is a batterer, someone who is rapist should be able to get that gun. I think my colleagues on the other side of the aisle understand that. I think they see the value of that.

All that we are saying today with the McCarthy amendment, all we are saying today in rejecting the Hyde amendment and rejecting the Dingell amendment is make it exactly the same for a customer walking into a gun show. Just make the rules consistent. Let us take that 30 percent or so and say, ''Do you know what, let us wait and find out why you have a flag.'' What is the harm in leveling that playing field? That is all we are asking today.

For those of my friends who are avid gun users who represent districts where guns are purchased heavily, I would ask them to ask their gun shop owners why it is they would be dealt with a different playing field than those who are in the gun show.

What is the rationale? The rationale is plain and simple, I would say to the opponents of the McCarthy amendment. The National Rifle Association says they do not want it; therefore, we are not going to do it here. That does not make sense. Over 300,000 criminals have been prevented from getting guns at shops. Let us stop them at gun shows as well.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think what we are here tonight to debate and what this underlying bill is all about is something that we all ought to be able to agree on. It is not a bill about controlling guns in this country and the broad sense of that debate. It is a fact that I happen to believe in the second amendment and the right to bear arms, self-defense and so forth.

But I am concerned, and that is why this amendment is here, with the fact that we have laws rightfully on the books that everybody in this country agrees with, and that is laws that say that felons, convicted felons, should not be allowed to get guns.

We have a problem with the fact that some kids are getting killed on our streets, all too many of them, with violent youth crime. One of the principal reasons why that is occurring is because there is a loophole in the current instant check laws.

I do not favor waiting periods, and we are not talking about that tonight. We are talking about how can we, at a balanced approach, which this underlying bill, H.R. 2122 does, how can we close a loophole in the existing law that does require when one goes to buy a gun that there is a background check, an instantaneous background check in the best sense that we can do that, a name check, to find out if one is indeed a criminal with a felony record and, therefore, disqualified to buy that gun. That is all this is about tonight.

I think the underlying bill is very responsible. People have criticized various things about it, and misstated, I think, unintentionally, I am sure, some things about it. The truth is that, yeah, maybe 25 percent of the people who go to buy a gun, when they do go through an instant check, whether it is at a gun show or otherwise, are flagged. But 80 percent of those people who are flagged are not criminals. They wind up getting those guns. A very tiny fraction are screened out. When they are, they should be, though.

The idea is to close a loophole in the gun show, which, up until now, if one is not a registered dealer and one sells a gun to somebody at a gun show, one does not have this instant check.

The underlying bill that I support strongly requires the instant check for everyone who purchases a gun at a gun show, just like everyone who purchases a gun from a gun dealer anywhere else.

It should not be a problem. It should not be a difficult vote. It is one that a lot of people want to offer other amendments to. But, quite frankly, what we do here is a simple balance in truth of this. We give the right amount of time to check on it and not an excessive amount. I urge that the bill be voted on and that frivolous amendments not be voted for.

Mr. COYNE. Mr. Chairman, we as a nation need to act to reduce gun-related violence in this country.

In 1994, Americans owned 192 million firearms, 65 million of which were handguns. That same year, more than 15,000 people were killed with firearms in this country, nearly 13,000 of them with handguns. Those figures are much higher—even on a per capital basis—than in any other developed country.

Several weeks ago, President Clinton proposed legislation which would require background checks for firearm sales at gun shows. I welcome the President's initiative.

Background checks and waiting periods are just simple, practical, and constitutional measures for ensuring that people who should not have guns don't get them. Since 1994, the Brady Law has blocked the sale of handguns to over 250,000 prohibited purchasers. Of this number, over 47,000 were felons. Moreover, after the Brady Law took effect in 1994, the number of murders in this country fell by 9 percent, while the number of murders committed with a firearm fell by 11 percent.

In May, the Senate passed legislation that would require background checks for firearms sales at gun shows. Today, the House has a chance to vote on similar legislation. I urge my colleagues to join me in supporting this important legislation.

Credible evidence indicates that gun shows represent one of the most significant sources of weapons used in crimes. A one-year study by the Illinois State Police, for example, indicated that more than a quarter of the illegally trafficked firearms used in crimes had been sold at gun shows. It seems clear to me that if we want to reduce criminals' access to firearms we need to close the gun show loophole, and that means we need to have background checks for firearms sales at gun shows.

In short, Mr. Chairman, requiring background checks of firearms sales at gun shows seems like a common-sense measure to keep guns out of the hands of criminals. Obviously, such a measure won't eliminate violent crime, but it might—just might—reduce the number of firearms deaths in this country.

Ms. ROYBAL-ALLARD. Mr. Chairman, guns are not the only cause of youth violence. But the increasing tragedies from gun violence in our schools tell us that our children enjoy easy access to guns, and strong steps should be taken to restrict that access.

We must not lose sight of our goal. Our goal is to keep our kids safe in school.

That's what the tragedies in Littleton and Atlanta and Jonesboro and other suburban communities have pointed out in dramatic fashion—that even kids in our suburban high schools are not safe from gun violence. But instead of addressing this pressing issue, the Republican leadership has failed to act responsibly in a time of crisis. They have allowed months to pass since the tragedy of Littleton, Colorado before taking action to curb the gun violence that threatens our children throughout the country. And now that they have chosen to act, they do so with the ugly face of partisanship and irresponsibility.

Columbine High School was a real tragedy, but it is no more significant than the tragedy that many of us experience in our districts every day. As a representative of an inner-city district, I know that the tragedy of gun violence to our young people and by our young people has had heart-breaking consequences in my district for many years. In just the last few months, there has been a series of violent incidents that involved youth and that I wish I could say were unusual.

But unfortunately, they are all too frequent in my district.

In Huntington Park, for example, two youngsters shot it out in front of city hall, wounding innocent bystanders.

In southgate, Mayor Henry Gonzalez was shot in the head after a city council meeting when two youth attempted to rob him. Fortunately, Mayor Gonzalez survived the attack but he was severely wounded and spent weeks in intensive care.

In southeast Los Angeles near Walnut Park, a series of drive-by shootings have taken place in recent weeks.

The cancer of violence that has impacted major cities for years is now spreading across the country. We cannot ignore this crisis as we have in the past, nor can we effectively address it with diluted gun safety measures and feel-good juvenile crime provisions that do little, as the Republican leadership would have us do.

I voted for the Brady bill and for the assault weapons ban, and the facts support that they have made an enormous difference in preventing easy access to weapons by criminals. The Justice Department tells us that the Brady bill has blocked over 400,000 illegal gun sales to felons, fugitives, stalkers, and other prohibited persons, but no law-abiding citizen has been stopped from buying a gun for sport or self-protection.

In spite of these successful measures, the recent tragedies have made it apparent that even more needs to be done.

In May, the Senate quickly passed some reasonable gun safety provisions to tighten up gun purchases at gun shows, to require safety locks on guns, and to ban large-capacity ammunition clips. The House could have also acted quickly to pass the same provisions and put a bill on the President's desk by Memorial Day. Instead, the Republican leadership ignored the American people, delayed action, and have now chosen to make a mockery of a bipartisan legislative process by allowing consideration of numerous amendments that have never been the subject of committee deliberation.

Some believe that the delays since Memorial Day have been orchestrated to give the National Rifle Association time to mobilize their membership to weaken the safety measures passed by the Senate and ultimately kill them. Our actions today will demonstrate whether that charge has any validity.

I support the McCarthy amendment which will strengthen the provisions in the bill affecting gun show transactions and close the loophole that permits our children to obtain guns in this unregulated manner.

I support the amendment to ban the importation of large capacity ammunition feeding devices.

I also support the amendment that will require secure gun storage or safety devices for handguns.

These are common-sense provisions that add an additional margin of safety for the millions of guns that are in circulation in the United States. Perhaps it is not all we should be doing to cut down on the gun violence that claims so many Americans each year.

But it is a start, and it represents progress on these important issues.

I urge my colleagues to support these reasonable efforts to keep our kids safe in school and to keep guns out of the hands of criminals.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in support of the provisions in this bill proposed by several of my Democratic colleagues dealing with gun safety, especially the McCarthy amendment. These provisions are commonsense solutions that will get guns out of the wrong hands.

Children are too easily able to get guns, either from gun shows or from their own homes. Convicted felons and people with outstanding warrants can walk into any gun show and walk stall to stall until they find a dealer willing to sell them a gun with no questions asked. These problems are too severe to be ignored.

This is not gun control, this is gun safety. We are not trying to control guns, we are trying to control the environment of rising youth violence. I come from Texas, and I can tell you that people in Texas raise a big ruckus whenever they think that we in Washington are trying to take their guns away.

I am not worried about responsible adults who have guns legally and use them wisely. I am worried about their children, who do not have the capacity to make responsible choices about firearms, getting their hands on guns. Selling a trigger lock with every new weapon makes weapons safer for children.

This does not mean that parents can abdicate their responsibility when they purchase guns. But, trigger locks will cut down on accidental shootings and will make it harder for children to use firearms in a fit of rage.

We need to conduct background checks on gun show purchasers and we cannot rest on the watered down language the NRA supports. Gun shows are the easiest way for criminals and children to get guns illegally. Let's stop the practice now.

Legitimate buyers need not worry, so why does the NRA oppose this? Who knows? Stop attacking common sense and support the language taken exactly from the Senate passed Juvenile Justice bill.

Finally, we need to raise the legal age to purchase a handgun from 18 to 21.

These provisions all make sense and are needed now. Stop letting children and criminals get guns. Pass these provisions. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. While the Chair earlier entertained a unanimous consent request to extend general debate by an additional 10 minutes, the precedents indicate that the Committee of the Whole may not change an order of the House regarding general debate (where the House sets a time not to be exceeded) even by unanimous consent.

Thus, the Chair would not expect the House precedents to be changed in this regard.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2122 is as follows:

H.R. 2122

*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 ''Mandatory Gun Show Background Check Act''.

**SEC. 2. MANDATORY BACKGROUND CHECKS AT GUN SHOWS.**

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers, the vast majority of whom are law-abiding individuals with no desire to participate in criminal transactions;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold, often without background checks and without records that enable gun tracing;

(5) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons can obtain guns without background checks and can use such guns that cannot be traced to later commit crimes;

(6) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(7) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this section, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'gun show' means an event which is sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms, and—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or the event otherwise affects, interstate or foreign commerce; and

''(B) at which there are not less than 10 firearm vendors.

''(36) The term 'gun show organizer' means any person who organizes or conducts a gun show.

''(37) The term 'gun show vendor' means any person who, at a fixed, assigned, or contracted location, exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show.''.

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of such title is amended by adding at the end the following:

**''§ 931. Regulation of firearms transfers at gun shows**

''(a)(1) A person who is not a licensed importer, licensed manufacturer, or licensed dealer, and who desires to be registered as an instant check registrant shall submit to the Secretary an application which—

''(A) contains a certification by the applicant that the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1); and

''(B) contains a photograph and fingerprints of the applicant; and

''(C) is in such form as the Secretary shall by regulation prescribe.

''(2)(A) The Secretary shall approve an application submitted pursuant to paragraph (1) which meets the requirements of paragraph (1). On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of the United States of the same, which entitles the registrant to contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act for information about any individual desiring to obtain a firearm at a gun show from any transferor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, and receive information from the system regarding the individual, during the 3-year period that begins with the date the registration is issued.

''(B) The Secretary shall approve or deny an application submitted pursuant to paragraph (1) within 60 days after the Secretary

receives the application. If the Secretary fails to so act within such period, the applicant may bring an action under section 1361 of title 28 to compel the Secretary to so act.

''(3) An instant check registrant shall keep all records or documents which the registrant collects pursuant to this section during a gun show at a premises, or a portion thereof designated by the registrant, that is open for inspection by the Secretary. The Secretary shall establish by regulation the procedure for the inspection, at a premises or a gun show, of the records required to be kept under this section in a manner for a registrant that is identical to the same procedural rights and protections specified for a licensee under subsections (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant check registrant shall remit to the Secretary all records required to be kept by the registrant under this subsection when the registration is no longer valid, has expired, or has been revoked.

''(4)(A) This subsection shall not be construed—

''(i) as creating a cause of action against any instant check registrant or any other person, including the transferor, for any civil liability; or

''(ii) as establishing any standard of care.

''(B) Notwithstanding any other provision of law, except to give effect to subparagraph (C), evidence regarding the use or nonuse by a transferor of the services of an instant check registrant under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

''(C)(i) Notwithstanding any other provision of law, a person who is—

''(I) an instant check registrant who assists in having a background check performed in accordance with this section;

''(II) a licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of firearms under this chapter; or

''(III) a nonlicensee disposing of a firearm, who utilizes the services of an instant check registrant pursuant to subclause (I) or a licensee pursuant to subclause (II),

shall be entitled to immunity from a civil liability action as described in this subparagraph.

''(ii) A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in clause (i) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party, but shall not include an action—

''(I) brought against a transferor convicted under section 924(h), or a comparable or identical State felony law, by a party directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

''(II) brought against a transferor for negligent entrustment or negligence per se.

''(4) A registration issued under this subsection may be revoked pursuant to the procedures provided for license revocations under section 923.

''(b) It shall be unlawful for any person to organize or conduct a gun show unless the person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary, which shall not require the payment of any fee for such registration;

''(2) before commencement of the gun show, records and verifies the identity of each individual who is to be a gun show vendor at the gun show by examining, but not retaining a copy of, a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual; and

''(3) maintains a copy of the records described in paragraph (2) at the permanent place of business of the gun show organizer for such period of time and in such form as the Secretary shall require by regulation.

''(c)(1) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for the person to subsequently transfer the firearm to such other person, unless—

''(A) the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with paragraph (2)(B) and otherwise in accordance with law; or

''(B)(i) before the completion of the transfer, an instant check registrant contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;

''(ii)(I) the system provides the registrant with a unique identification number; or

''(II) 72 hours have elapsed since the registrant contacted the system, and the system has not notified the registrant that the receipt of a firearm by such other person would violate subsection (g) or (n) of section 922; and

''(iii) the registrant notifies the person that the registrant has complied with clauses (i) and (ii), or of any receipt by the registrant of a notification from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that the transfer would violate section 922 or State law; and

''(iv) the transferor and the registrant have verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

''(2)(A) The rules of paragraphs (2), (3), and (4) of section 922(t) shall apply to firearms transfers assisted by instant check registrants under this section in the same manner in which such rules apply to firearms transfers made by licensees.

''(B)(i) For purposes of section 922(t)(1)(B)(ii), the time period that shall apply to the transfer of a firearm as described in paragraph (1) of this subsection shall be 72 hours.

''(ii) The licensee or registrant may personally deliver or ship the firearm to the prospective transferee in accordance with clause (iii) if the gun show has terminated, and—

''(I)(aa) 72 consecutive hours has elapsed since the licensee or registrant contacted the system from the gun show and the licensee or registrant has not received notification from the system that receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 or State law; or

''(bb) the licensee or registrant has received notification from the system that receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 or State law; and

''(II) State and local law would have permitted the licensee or registrant to immediately deliver the firearm to the prospective transferee if the conditions described in item (aa) or (bb) had occurred during the gun show.

''(iii)(I) The licensee may personally deliver the firearm to the prospective transferee at a location other than the business premises of the licensee, without regard to whether the location is in the State specified on the license of the licensee, or may ship the firearm by common carrier to the prospective transferee.

''(II) The registrant may personally deliver the firearm to a prospective transferee who is a resident of the State of which the registrant is a resident, or may ship the firearm by common carrier to such a prospective transferee.

''(3) An instant check registrant who agrees to assist a person who is not licensed under section 923 in complying with subsection (c) with respect to the transfer of a firearm shall—

''(A) enter the name, age, address, and other identifying information on the transferee (or, if the transferee is a corporation or other business entity, the identity and principal and local places of business of the transferee) as the Secretary may require by regulation into a separate bound record;

''(B) record the unique identification number provided by the system on a form specified by the Secretary;

''(C) on completion of the functions required by paragraph (1)(B) to be performed by the registrant with respect to the transfer, notify the transferor that the registrant has performed such functions; and

''(D) on completion of the background check by the system, retain a record of the background check as part of the permanent business records of the registrant.

''(4) This section shall not be construed to permit or authorize the Secretary to impose recordkeeping requirements on any vendor who is not licensed under section 923.

''(d) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for such other person to receive the firearm from the person if the recipient knows that the firearm has been transferred to the recipient in violation of this section.''.

(2) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates subsection (b), (c)(1), or (c)(2) of section 931 shall be—

''(i) fined under this title, imprisoned not more than 1 year, or both; or

''(ii) in the case of a second or subsequent conviction of such a violation, fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (c)(3) or (d) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

''(C) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates subsection (b), (c), or (d) of section 931—

''(i) impose a civil fine in an amount equal to not more than $2,500; and

''(ii) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6

months or revoke the registration of that person under section 931(a).''.

(3) CONFORMING AMENDMENT.—Section 923(j) of such title is amended in the first sentence by striking ''or event'' and all that follows through ''community''.

(4) CLERICAL AMENDMENT.—The section analysis for chapter 44 of such title is amended by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.''.

(d) INSPECTION AUTHORITY.—Section 923(g)(1) of such title is amended by adding at the end the following:

''(E) The Secretary may enter during business hours the place of business of any gun show organizer and any place where a gun show is held, without such reasonable cause or warrant, for the purpose of inspecting or examining the records required by section 923 or 931 and the inventory of licensees conducting business at the gun show in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the organizer or licensee or when such examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of such title is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of such title is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8)(A) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 3 years, or both.

''(B) In the case of a second or subsequent conviction under this paragraph, the person shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of such title is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 3. INSTANT CHECK GUN TAX AND GUN OWNER PRIVACY.**

(a) PROHIBITION ON GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

**''§ 540B. Ban against fee for background check in connection with firearm transfer**

''No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

''540B. Ban against fee for background check in connection with firearm transfer.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**''§ 932. Gun owner privacy and ownership rights**

''Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

''(1) shall perform any national instant criminal background check on any person through the system established pursuant to section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ''system'') if that system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about such person who is determined, through the use of the system, not to be prohibited by subsection (g) or (h) of section 922 of title 18, United States Code, or by State law, from receiving a firearm, except that this subsection shall not apply to the retention or transfer of information relating to—

''(A) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

''(B) the date on which that number is provided; or

''(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the 'NICS Index' complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsections (j)(2), (k)(2), and (k)(3) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 44 of title 18, United States Code, is further amended by adding at the end the following:

''932. Gun owner privacy and ownership rights.''.

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540B of title 28, or 931 of title 18, United States Code, as added by this section, may bring an action in the district court of the United States for the district in which the person resides. Any person who is successful with respect to any such action shall receive actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, except that the amendments made by subsection (a) shall take effect as of October 1, 1998.

The CHAIRMAN. No amendment is in order except those printed in part B of House Report 106–186. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered read, 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 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 part B of House Report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 106–186 offered by Mr. DINGELL:

In section 931(c)(1) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''indicates a willingness to accept'' and insert ''accepts''.

In section 931(c)(1)(B)(ii)(II) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''72'' and insert ''24''.

In section 931(c)(2) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike subparagraph (B) and insert the following:

''(B) For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) shall be 24 consecutive hours since the licensee contacted the sytem, and notwithstanding any other provision of this chapter, the system shall, in every instance of a request for an instant background check from a gun show, complete such check over instant checks not originating from a gun show.

In section 931(d) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''indicates a willingness to accept'' and insert ''accepts''.

At the end of section 3 of the bill, insert the following:

(c) DELIVERIES TO AVOID THEFT.—Section 922(a)(5) of title 18, United States Code, is amended—

(1) by striking ''and (B)'' and inserting ''(B)''; and

(2) by inserting '', and (C) firearms transfers and business away from their business premises with another licensee without regard to whether the business is conducted in the State specified on the license of either licensee'' before the semicolon at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

After section 3 of the bill, insert the following:

**SEC. ___. PENALTIES FOR USING A LARGE CAPACITY AMMUNITION FEEDING DEVICE DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.**

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by inserting ''large capacity ammunition feeding device,'' after ''short-barreled rifle,''; and

(2) by adding at the end the following:

''(5) For purposes of this subsection, the term 'large capacity ammunition feeding device' means a device as defined in section 921(a)(31) regardless of the date it was manufactured.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 20 minutes.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of the 20 minutes I have under the rule to the gentleman from Tennessee (Mr. BRYANT) and that he be permitted to yield time.

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

There was no objection.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) will control 10 minutes.

Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition to the amendment?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) will be recognized for 20 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the gentlewoman from New Jersey (Mrs. ROUKEMA) be yielded 10 minutes to yield time en bloc as she may choose.

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

There was no objection.

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) will control 10 minutes of time.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would hope that the debate on this will be conducted without rancor, without charges of wrongdoing or misbehavior against any Member of this body or also against citizens who might have different feelings.

I would observe that the amendment does several things. It, first of all, defines what constitutes a sale at a gun show in a manner consistent with existing contract law.

Second of all, it directs the FBI to prioritize background checks at gun shows and to complete them within 24 hours.

Third, it deters the theft of firearms that are shipped through the mail by making it possible for dealers to deal at gun shows face to face.

Last, it increases the penalty for those who use guns with a large-capacity magazine in the commission of crimes.

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

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

Mr. Chairman, I rise with all due respect in opposition to the Dingell amendment. In my opinion, it does absolutely nothing to close the gun show loophole. In fact, it obviously makes it easier for criminals to bypass the law and get a gun.

This issue is about law and order and keeping criminals from getting guns. It is not about keeping law-abiding citizens from buying guns. So let us be clear about that.

But first I must say that the amendment of the gentleman from Michigan (Mr. DINGELL) so loosely defines what a gun show is that it is obvious that thousands of guns will be sold at shows without a single background check.

The 24-hour waiting period will destroy current Federal law that allows law enforcement officials up to 3 business days. The Dingell amendment is a rouse, plain and simple. The FBI itself estimates that under the 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in only the last 6 months would have gotten those guns. These people would be those with criminal records, questionable legal residence, or maybe even mental patients.

Let us be honest and straightforward, for checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half, more than 60 percent of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could have gotten a gun.

Now, I want to stress this for all who will please listen. We would love to talk about law and order. This is about law and order. Let us be perfectly clear. Closing the gun show loophole is about stopping gun selling and gun running by criminals. It is not about the Second Amendment. Every law enforcement person in the world of any reliability will tell us that 24 hours does not do it.

Let us also talk for a minute about whose been hanging out at gun shows. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold well over $60,000 in stolen weapons at gun shows to finance their killings. Columbine High School, Eric Harris, student, obtained his Tec-9 through a gun show.

I could go on. But I must say that it is perfectly clear, anybody with a degree of common sense or honesty about 24 hours over a weekend, nonbusiness day, clearly makes it a sham and a rouse and we must defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

Mr. Chairman, let's make no mistake about it there is only one amendment that closes the gun show loophole for criminals and that is the McCarthy-Roukema amendment.

The Dingell amendment does nothing to close the gun show loophole and in fact makes it easier for criminals to by-pass the law and get a gun! This is about law and order—and keeping criminals from getting guns. It is not about keeping the law abiding from buying guns.

First, the Dingell amendment so loosely defines what a gun show is that it will allow thousands of guns to be sold at gun shows without a single background check.

Second, the 24-hour waiting period will destroy the current federal law that allows law enforcement officials up to three-business days to conduct a background check. The Dingell amendment is a ruse . . . a sham . . . how can it be offered with a straight face?

Since 1993, the background checks established by the Brady law have blocked gun sales to 400,000 felons, fugitives, stalkers and mentally ill persons.

The FBI estimates that under a 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in the last six months would have gotten guns! These are people with criminal records, or questionable legal residence for maybe a mental patient.

Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.

LETS BE HONEST—WE ALL KNOW

For checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half—60%—of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could get a gun.

THIS IS ABOUT LAW AND ORDER

We need to maintain the current law 3-business days background check. We need to give law enforcement officers the upper-hand not the criminals.

Let's be perfectly clear . . . closing the gun show loophole is about stopping guns selling and gun running to criminals not the Second Amendment!

Criminals have increasingly—we are told—go to gun shows where no background checks are required to purchase a weapon. Look who has been hanging out at gun shows?

Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

Columbine High School attacker Eric Harris obtained his Tec–9 through a gun show.

It is imperative that we simply apply current federal law to gun shows not the sham Dingell amendment that would let criminals walk in and out of gun shows with new weapons without a single background check.

It is in the best interest of public safety and law and order that we vote against the Dingell amendment.

The International Association of Chiefs of Police.

The International Brotherhood of Police Officers.

Police Foundation.

National Association of Black Law Enforcement Officers.

And the Police Executives Research Forum.

All oppose Dingell and support McCarthy-Roukema.

Mr. Chairman, background checks work. The gun show loophole must be closed. The only way to do that is to defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

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

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Mr. BRYANT. Mr. Chairman, I yield myself 2 minutes.

I rise in strong support of the Dingell amendment. I believe this amendment is a good example of the two parties working together.

I do want it to be clear, though, that I do not generally support more Federal gun laws. Our country has at this time thousands of gun laws on the books and my concern is they are not being adequately enforced. We need stronger enforcement of existing gun laws.

In order to prevent felons from purchasing firearms, I ask my colleagues to support the Dingell amendment. This amendment will not further burden law-abiding gun owners, but this amendment will maintain the integrity of the gun show while establishing safeguards to protect our communities and gun owners.

Others will talk of the 24-hour instant check period. I want to talk about other protections of this amendment. This amendment will also help prevent the theft of firearms. Under current law, licensed dealers cannot transfer guns among themselves while attending a gun show. As a result, they must ship the guns through a common carrier. Many of the illegal guns used in the commission of crimes are stolen during this process of shipment. The Dingell amendment will allow a licensed dealer to transfer guns to another licensed dealer, thus preventing criminals the opportunity of stealing them from a common carrier. If we want to keep guns off the street, then here is one example where we can support a provision that will.

Another important provision of the Dingell amendment would be that it would increase the penalty for the use of a large capacity ammunition magazine during the commission of a violent crime or drug trafficking. This strong provision provides an additional tool for prosecutors in combating violent crime and drug trafficking.

I applaud the efforts of the gentleman from Michigan (Mr. DINGELL) and his colleagues. This is a balanced approach that all Members who support getting tough on criminals can also support.

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

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

I am not able to answer why the gentleman from Michigan (Mr. DINGELL) is doing this. I have been asked that quite a bit.

This is a weaker amendment on gun shows than the McCollum amendment. And here is the bottom line. If this amendment is passed, then criminals will be able to get guns at gun shows. That is where this all comes out.

Is there anybody that has not read about this amendment? Is there anybody who does not know that 24 hours is not sufficient? Is there anyone that does not know that gun shows take place frequently on weekends and that a 24-hour rule will get them off? It requires a check only when a gun is offered for sale and the buyer accepts the offer near a gun show. This tells the criminal to window shop at gun shows and then to close the deal somewhere else. Does anyone not really understand what is going on here?

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in defense of the hunter-sportsman-working men and women of my district whose voices I want to be heard, voices of responsible firearms owners.

Your constituents at the Iron Range Labor Assembly urge you to oppose restrictions on gun sales and ownership rights as passed by the Senate. Many union families enjoy outdoor sports and the right to possess firearms. We are concerned about the safety in our schools, but the proposed legislation will not solve this problem. Tom Pender, President.

Jim, I'm a hunter and a fisherman all my life. It provides me a connection with my boys, my brother, and my dad. It is one of the few occasions we get together for quality time. But in recent years there is a concerted effort to condemn those of us who hunt and enjoy other legitimate uses of guns. There are those who would make gun use a vice and brand those of us who own guns as crazy or extremists. I want real study and real action to prevent future Littletons, not contrived knee-jerk reaction from Congress. Leo LaLonde, Aurora, Minnesota.

Real action is at Lincoln Park Elementary School in Duluth. Open from 7 a.m. to 9 p.m., where parents, teachers, students, community groups work together at muffin morning homework planning, 'success for all,' first grade preparedness, youth collaborative, family nights for parent and child, family building programs. Juvenile delinquency has been virtually eliminated and school performance elevated.

That is getting real. Let us pass the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Our purpose tonight is not to restrict any law-abiding citizen's right to keep and bear arms. Our purpose tonight is to make laws requiring background checks for purchasing firearms to keep firearms out of the hands of criminals and unsupervised young people.

There is absolutely no reason that purchases at gun shows should be treated differently than purchases at a store. There should be a background check. This background check should allow adequate time to ensure that someone with a felony conviction is not permitted to purchase a gun.

As the gentleman from Florida (Mr. MCCOLLUM) pointed out, the National Instant Check System reveals those individuals who may have a felony arrest. The next step is to check local court records to determine if that person has a criminal conviction. That check may take 2 or 3 days. That is a short time to wait to help ensure that a violent felon does not walk away from a gun show with a lethal weapon.

The Dingell amendment will not accomplish any of those goals. It does not adequately define a gun show. It will not allow adequate background checks at gun shows. It will do little to close the gaping loophole in current laws that give criminals the incentive to purchase guns at gun shows.

We need reasonable and effective background checks to keep guns out of the hands of criminals. The Dingell amendment comes up short. Oppose the Dingell amendment and support the McCarthy-Roukema amendment.

Mr. BRYANT. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bipartisan amendment to enact reasonable, fair, common-sense background checks that truly fit the definition, within reason, of an instant background check at gun shows.

The McCarthy-Lautenberg amendment is Washington at its best, Mr. Chairman, for only in Washington would an instant background check mean up to 6 days. Only in Washington would an instant background check operate to deny people their constitutional rights and up to 6 days.

For those who might have trouble with the math, and we will not hear it from McCarthy-Lautenberg, let me explain. If we allow an instant or so-called instant background check to consume 3 business days, that is 3 days plus, if, as many gun shows do take place on holiday weekends, that is an additional 3 days. For all intents and purposes, that means that a purchaser, a bona fide purchaser, will not be able to take, very possibly, if the instant background check does not work properly, which in many instances it does not, would not be able to take advantage of exercising their second amendment rights at that gun show.

Only in Washington does an instant background check under the McCarthy-Lautenberg amendment mean up to 6 days.

A vote for this bipartisan Dingell amendment not only brings common-sense, rationality and fairness to this debate, but it also is not a vote for gun control. Let me repeat. A vote for the bipartisan Dingell amendment is not a vote for gun control. It is a vote to preserve gun shows as legitimate business enterprises in this country.

If McCarthy and Lautenberg is adopted, it will put gun shows out of business. It will do this in many different ways, including the expanded so-called instant background check, which would consume so many days that it

would make it unreasonable for anybody to bother purchasing a firearm at a gun show.

It does so because it would, for the first time in American history, even against several Federal laws that provide to the contrary, allow the government to begin maintaining a registry of lawful gun owners. It would put gun shows out of business because it would create very nearly strict civil liability for gun show operators and promoters.

It is overly broad, the McCarthy-Lautenberg amendment. Dingell corrects it and is a vote for reasonable and meaningful instant background checks at gun shows and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I live in rural central Texas where guns are a way of life. I am a hunter and a gun owner. But I am also a father and a husband, and tonight I will vote for the safety of my children and family and for my colleagues'. I will vote for the McCarthy amendment and for the bipartisan Conyers-Campbell amendment, which is identical to the Senate-passed language. Why? Because I believe that is the right thing to do for the safety of our children, our homes, and our neighborhoods.

I will vote for effective criminal background checks at gun shows that minimize felon loopholes. I surely believe that a minor inconvenience for a handful is a very small price to pay for saving American lives.

Several years ago, as a new Member of this House from the rural south, I voted in favor of an assault weapon ban and lived to tell the story. But far more important than that, somewhere in America tonight a child is alive, alive because Congress 5 years ago had the courage to pass a common-sense gun safety law.

Tonight, with the Conyers amendment, with the McCarthy amendment, we have another opportunity to save the lives of more children by passing common-sense gun safety legislation.

Now, I know and my colleagues know that some may fear the safety of their political seats for these votes, but I have greater faith in the American families and parents than that. It is time to put the interest of our safe schools and our children's safety above the interest of special interests here in Washington, D.C.

Some suggest punishing gun offenders is the way to reduce some gun violence. But surely if we talk to the parents of crime victims, they would tell us that punishing their offenders is no substitute for effective prevention of their children's murder through common-sense gun safety laws.

Vote for Conyers, vote for McCarthy, vote for our children.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Dingell amendment, a common-sense compromise that represents the views of the overwhelming majority of law-abiding gun owners who accept reasonable reforms and who want to keep firearms out of the hands of criminals and who recognize the best way to do this is to conduct background checks and the best way to do that is to use the existing system.

Contrary to what some folks would have us believe, gun shows are not illegal arms bazaars. They are commercial forums where citizens can buy and sell firearms for hunting, to add to a collection of antiques, for self-protection or any of a litany of lawful purposes. This amendment streamlines the instant check process for firearm transfers at gun shows. The speed and ease of the check under the Dingell amendment will encourage folks to make their purchases in a regulated forum.

Some folks who want to ignore the existence of the second amendment seem to think that if we just make it too much of a hassle for citizens to purchase guns that the transactions will not occur. In reality the sale will still take place, but without the benefit of a background check.

I urge my colleagues' support of the Dingell amendment, a workable compromise which achieves the goals of protecting the rights of all citizens while best protecting society as a whole.

Mrs. ROUKEMA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) has 5½ minutes remaining; the gentleman from Tennessee (Mr. BRYANT) has 5 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining; and the gentleman from Michigan (Mr. DINGELL) has 7 minutes remaining.

□ 2300

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, guns do not kill people. People kill people.

I agree, background checks do work. They are common sense. None of us want criminals to have guns. But I have served under Republican as well as Democratic administrations as a Member of Congress, and there is not yet an attorney general working for a Republican or a Democratic president while I have been here that has told us that they could do this in one day.

They cannot do it in one day. That is why the requirement is for 3 days. Instant checks would be ideal, just like going to the clothing store to get a shirt or a tie. But we do not live in a perfect world. Sadly, we do not.

Legitimate hunters and sports people and collectors have nothing to fear with the defeat of the Dingell amendment. The Second Amendment still prevails. But let us make sure that it is the legitimate hunters and sports folks of the world that can acquire and buy these firearms, not the crooks, not the criminals. We need to close the loopholes to make sure that the background checks work.

When the President, whether he be Republican or Democrat, or maybe even Independent, tells us that they have the resources so that they can do it in 1 day or 1 hour or 5 minutes, we can change the law. But until then, we cannot.

Mr. BRYANT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California (Mr. CUNNINGHAM).

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Chairman, Members on both sides of this issue are well-meaning. There are 11,000 gun laws on the books. There are just as many about drugs. And yet in both areas, both drugs and weapons, the people that are the problem are the criminals. My colleagues on the other side of this issue want to stop those, as well.

In all due respect to the gentlewoman from Maryland, there are not thugs and criminals but millions of people that attend these gun shows, including myself, that are law-abiding citizens.

I think I am the only Member in this body that has had to take multiple life with a weapon. It bothered me so bad that I had to go to church, and at one time I even left the squadron. But I have flown in an airplane. I have carried bombs in peacetime. I never robbed a bank. I never shot somebody.

I hunt. I fish. I legally have a weapon. And my daughters know how to use those weapons. I have taken them out with a watermelon and a shotgun and a rifle, and they know exactly what that weapon will do. If somebody comes in our house when I am not there, my daughters know how to use it.

But I also have a trigger guard on those weapons because I am afraid that some child will come into the house other than my daughters and not know how to use that or the danger of it. And I think that a responsible parent should have a trigger guard on it and someone who does not maybe should be chastised.

But the people we are talking about are law-abiding citizens, and that is who the gentleman from Michigan (Mr. DINGELL) and I and others want to protect the rights of, law-abiding people that want to bear arms.

I do not think that is unreasonable. I think it is reasonable to have an instant check for a gun show, to have one for a pawn shop, to have one for any sporting goods shop that does that, and we ought to fully fund it. I think that the only way that we can get around this is to do that.

I ask my colleagues, do not ask from emotion but ask from fact.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. McCarthy).

Mrs. MCCARTHY of New York. Mr. Chairman, contrary to what the American people want, Congress is preparing to vote on an amendment that will make it easier for criminals to get guns at gun shows.

Some Members may believe they can vote for the NRA-Dingell amendment and try to fool their constituents into thinking they care about criminals' access to guns. That would be a mistake.

The McCarthy-Roukema-Blagojevich amendment simply asks the same regulations that we are asking our gun stores to do our gun shows to do. That is it. Same rules for everyone. Pretty simple in my eyes.

Over the last 6 months, 17,000 people who were stopped by the current background check systems would have attained guns. Seventeen thousand people.

Take a look at this. These are the people who should have been stopped. These are the people that could have been stopped.

If the Dingell bill goes through, there is going to be a lot more of them out there. That is what we are supposed to do.

I ask my colleagues to vote for the McCarthy amendment, and I ask my colleagues to vote for the Conyers substitute amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

(Mr. JOHN asked and was given permission to revise and extend his remarks.)

Mr. JOHN. Mr. Chairman, Louisiana is indeed the sportsman's paradise. Many of us have grown up there hunting, sports shooting, and have grown up comfortable and have learned to respect firearms.

I rise today in strong support of the perfecting Dingell amendment. I believe that it has a common-sense approach to two very important objectives.

The first objective is to close the loopholes at gun shows. It is an objective that every one of the amendments here tonight go to and shoot at.

The second objective only the Dingell amendment provides, and I think it is most important that it protects and preserves the right for us to bear arms at gun shows. The amendment puts a high priority on instant background checks from participants at a gun show. I repeat, this amendment only applies to gun shows.

I support instant background checks to keep firearms out of the hands of felons. Do we have the technology, does the national instant check system have the technology, the personnel capability to handle this? I say, yes. We appropriated $200 million to do so. We have that technology.

Mr. Chairman, the Second Amendment to our Constitution is only 27 words. Mr. Chairman, please let us close the loophole and not infringe upon our constitutional right of Americans to bear arms. Vote for the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her strong leadership on this issue.

Mr. Chairman, I want to commend the gentlewoman from New York (Mrs. MCCARTHY) for her tireless dedication in preventing violence against children and protecting all of us from the misuse of firearms.

With high respect for my friend the gentleman from Michigan (Mr. DINGELL) I rise to oppose his amendment and to support McCarthy.

The Dingell amendment, in my judgment, attempts to cloud an issue which is crystal clear. The distinguished gentleman from Michigan claims that his amendment closes the gun show loophole. But, in actuality, it weakens current gun laws.

Under his amendment, the time provided to law enforcement authorities for conducting background checks on firearms purchased at a gun show through a licensed dealer is actually reduced from three business days under current law to 24 hours.

Since many gun shows take place on weekends when most court records are inaccessible, a 24-hour limit effectively renders the background check requirement useless.

Additionally, Mr. Chairman, the amendment would reverse a 31-year-old law prohibiting licensed dealers from conducting out-of-state business.

□ 2310

McCarthy, on the other hand, reasonably extends the background checks to more vendors, gives law enforcement authorities ample time to complete background checks and extends requirements for vendors to keep records of gun show transactions.

Clearly, gun laws are not a panacea for the ills of our society reflected in the violence of child against child that we have seen in Littleton and Paducah and Conyers. But, Mr. Chairman, it would be a travesty if out of these horrors came from this House more opportunity for the misuse of firearms, not less. It is not too much to ask legitimate gun owners and vendors some measure of inconvenience to help protect our children. With rights come responsibilities. Oppose Dingell. Support McCarthy.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, we make it difficult for criminals to get jobs. It should be that way. We make it difficult for criminals to be able to vote. It should be that way. For rapists, for molesters, for murderers, for those who mug folks.

Here we are this evening confronted with the proposition from one of the great Members of this body who would have us believe that there is something unreasonable about making it more difficult for criminals to buy guns at gun shows. I come from the State of Tennessee as my good friend the gentleman from Tennessee (Mr. BRYANt) does. I know why we have gun shows. It makes it easier for folks who live in areas, urban or rural areas to buy guns to go out and hunt and be sportsmen. I support hunters, support the NRA and support sportsmen.

But do not continue scaring everyday, hardworking, taxpaying, law-abiding Americans that somehow or another making them wait 48 more hours just to ensure that they had not beaten their wives, they had not molested their neighbor's children, that they have not robbed a convenience store at the corner, that something is unreasonable about that.

I say to my friends and particularly my friend on my side of the aisle, let us stop scaring everyday Americans. There is nothing unreasonable about what the gentlewoman from New York (Mrs. MCCARTHY) wants to do. She is the most courageous person in this House and she deserves our vote tonight, she deserves our vote tomorrow and the children in this Nation deserve our vote this evening.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me this time. I rise in support of the Dingell amendment that hopefully will bring some reasonableness to the debate on gun restrictions. I do not think any of us support criminals having access to guns and the Dingell amendment will not encourage this. It would make background checks more effective and still protect the second amendment to our Constitution.

I would feel more comfortable about this debate tonight if the opponents of the Dingell amendment were not also reported in the press favoring national registration maybe like we have here in Washington, D.C., which is probably the most gun restricted jurisdiction in our country, yet I do not know if the criminals in D.C. are any more effective than they are anywhere else in our country. I know they get guns elsewhere.

But are you saying we need to restrict every American from being able to own a firearm? Because that is what happens here. The waiting periods have stopped convicted felons from receiving guns. I know, that has worked. But are you telling me that that person who is refused because of that background check did not also go out and find a gun on the illegal market?

Let us just make it reasonable for the millions of Americans who are not afraid of guns, who have them for protection, and also for sporting.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Chairman, I just want to make a clarification, that my amendment actually

has in it that there will be no national registration for guns. It is in the amendment. It would make it a law.

Mrs. ROUKEMA. Mr. Chairman, I yield myself the balance of my time.

I thank the gentlewoman from New York (Mrs. MCCARTHY) for that last statement because I was going to make that point, too. Let us get back to the facts and not the rhetoric, the loose rhetoric here.

This Dingell amendment, as far as I am concerned, is a business deal for criminals and gunrunners. It gives them a special advantage.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman has not yielded to the gentleman for a parliamentary inquiry. The gentlewoman from New Jersey controls the time.

Mr. CUNNINGHAM. She does, but is it the rules of the House that someone is to question the motives of the gentleman?

Mrs. ROUKEMA. I am not questioning his motives. I reclaim my time.

The CHAIRMAN. The gentlewoman from New Jersey controls the time. The gentlewoman may proceed.

Mrs. ROUKEMA. Mr. Chairman, what it actually does is it gives gun shows a business advantage over all the law-abiding federally licensed gun dealers and gun shows. I believe we need the same rules for everyone.

I also must say, we have got to get back to the facts. There are accurate reports that since 1993, the background checks established by the Brady law have blocked gun sales to over 400,000 felons, fugitives, stalkers and mentally ill persons.

We have said, and I think it bears repeating, that the FBI estimates that a 24-hour rule such as the Dingell amendment would mean that over 17,000 people who are stopped by current background checks in the current system, it would have not gotten those 17,000 people who were stopped by the background checks.

Finally, I must repeat again that the checks occurring on a Saturday under the Dingell 24-hour rule would mean that more than 60 percent of current denials would not have been made. That means literally a convicted rapist, child molester or any other felon could have gotten the gun and that would be part of the 60 percent.

In summary, I think we have to say, let us give law enforcement the upper hand, because this is about law and order. It is not about taking guns away from law-abiding citizens.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. I appreciate the gentleman yielding me this time.

Mr. Chairman, for the first time, if McCarthy-Lautenberg is adopted in lieu of the Dingell amendment, the Federal Government through extensive powers granted under the McCarthy-Lautenberg amendment will have the power to amass information regarding gun owners in America that the government does not now have the power to collect and maintain.

The one phrase that appears more than any other in the McCarthy-Lautenberg amendment relates to powers to promulgate rules and regulations for the retention of information to the ATF.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, there is not time to read a statement or anything else but to simply say, with all of these reasonable people sitting here, we are trying to do one thing with the McCarthy amendment, protect our children and keep the guns out of the criminals' hands. It is so simple. I do not know what the NRA does to make so many people so fearful. But please protect the children tonight.

Mr. Chairman, I rise tonight in opposition to the Dingell Amendment. This amendment does not address the problem we are trying to solve. Too many people who should not have access to guns can walk into a gun show and buy a gun, no questions asked.

While we are trying to restrict the easy access, criminals and juveniles have had access to guns at gun shows. The Dingell amendment would make it easier on criminals and juveniles.

The amendment too narrowly restricts the definition of a gun show. If you sell your guns at a gun show from a rolling cart, the Dingell amendment says you don't need to perform a background check on your customers. Slap some wheels on your booth and you don't have to follow the law.

Further, if you decide not to "sponsor" the gun show under the reasons in the Dingell amendment, you don't have to do a background check either. Nor do you have to do background checks if there are less than ten vendors at the show, no matter the number of weapons sold.

The amendment changes the Brady Law to give law enforcement agencies a mere 24 hours to do a background check. So, if you buy a gun at a gun show at 5:00 p.m. and the background check cannot be completed until Monday, you get the gun.

Even with 72 hours to complete background checks, as its stands in the underlying legislation, the Justice Department says that 28% of felons, fugitives and other prohibited people would have gotten guns. The Dingell Amendment only increases that percentage.

The Dingell Amendment would allow gun show dealers to complete the sale after the show with no background check required. This would give gun show sellers incentive to give out their home address and say "Stop by on your way home from the show and I can get you a gun with none of that background check hassle."

These are only a few of the problems with the amendment, but I think they are enough.

We cannot allow the NRA to ghost-write this legislation. This amendment is simply the last gasps of the NRA to hold on to anything they have. The NRA is fighting in the face of common sense.

This amendment is worse than the law that currently exists. The American people have asked us to pass common sense gun safety laws. This is not it. Oppose the Dingell Amendment.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Who has the right to close?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. I believe I am the offeror of the amendment.

The CHAIRMAN. As the manager from the Committee on the Judiciary controlling time in opposition, the gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. Very well.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

□ 2320

Mr. CLEMENT. Mr. Chairman, I strongly support the second amendment. I defend an individual's right to bear arms. I know very well that we have to close the loopholes, and so does the gentleman from Michigan (Mr. DINGELL) know that as well.

That is why he has proposed this amendment, saying that we have to close these loopholes at the gun shows, because 6 percent of the guns sold in this country are at the gun shows today, and some of them are to individuals that are not gun dealers. And therefore, it is in our best interests to bring about fairness and equity, and knowing that we have improved the system from the past, maybe the Dingell amendment would not have made any sense years ago. But we now have a national instant background check that we did not have before; therefore, we are in a position to check on the guns that are sold within a 24-hour period.

Mr. Chairman, I encourage everyone to support the Dingell amendment. Let us close the loopholes.

Mr. BRYANT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to reserve that time at this moment.

The CHAIRMAN. Without objection, 1½ minutes of the gentleman from Tennessee's time shall be controlled by the gentleman from Michigan (Mr. DINGELL).

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. We can fool some of the people some of the time, but we cannot fool all of the people all of the time, and the American people are not fooled by this amendment.

I can tell my colleagues that this is an example of this Congress not being serious about closing the gun show loopholes. If we are serious, we will vote tonight to close the gun show loopholes.

Let me tell my colleagues, the American people are watching us tonight.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I ask my colleagues to know that those of us who sponsor this amendment are not interested in increasing crime, we are interested in bringing it to a halt. This is a form, 4473. In it, the individual who files it has to prove through his statements that he is eligible in all particulars and has not disqualified himself from the purchase of a firearm. That is filed, and if one files it falsely, that is a felony. And if one picks up a gun after having filed this falsely, that is a second felony.

Now, the instant check system is working, and it is instant, not a long check. It is instant. It is supposed to be instant.

Mr. Chairman, we are talking here about a precious right. We have been talking about the first amendment, and now we are talking about the second amendment. I do not divide the Bill of Rights. But I call on my colleagues to understand that in 24 hours, there should be sufficient time, because by the time this legislation is in effect, the Attorney General will have merged the State and the Federal system so that she can get full information immediately. Mr. Chairman, 24 hours is quite enough.

Now, gun shows are not Saturnalias of criminals who are bent on destroying the lives and the well-being of innocent citizens. They are a group of innocent citizens who are doing something that goes back as far as Plymouth Rock. They are getting together to sell and trade and engage in commerce, and they are strictly regulated.

We are closing the gun show loophole by making everybody who participates in those sales subject to the law. They must file the document, and they must be submitted to the instant check. I do not know how much more we can ask for in terms of seeing to it that we have effectively dealt with the problems of crime. To go beyond this is simply to harass innocent, law-abiding citizens and to hurt people who love to go to gun shows to see their fellow citizens, to talk about guns, to look at firearms, to perhaps purchase a firearm, or more likely to purchase some other kind of sporting accoutrements.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, an angry, paranoid schizophrenic goes to a gun show at 10 o'clock on a Saturday morning, attempts to buy a gun. The police discover on Monday morning that he has a criminal background record of beating his wife and a long criminal rap sheet. Under the Dingell amendment, he gets to buy the gun. Under the McCarthy amendment, he does not.

Support the McCarthy amendment. It is the real loophole closer. It is the one that we ought to support tonight.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) has 1 minute remaining; the gentlewoman from New Jersey has extinguished her time. The gentleman from Michigan (Mr. CONYERS) has 3¼ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. BRYANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL) for sponsoring this, I believe, very good amendment, a good solution to the problem at hand. Lest we all forget, ultimately we are talking about a constitutional amendment, a right here, and as we all know, when we begin to legislate, to impair or restrict that constitutional right as we would in the first amendment or second amendment or any other amendment, we need to do it in a minimum way, in the least burdensome way.

I have reviewed these amendments, and I believe that the Dingell amendment fits that description and best suits the issue as we need it now. I have chosen to support it. I think it provides the best balance between the right of law-abiding citizens to purchase guns and to prevent law-breaking citizens from not purchasing guns.

So I urge my colleagues to support the Dingell amendment to this bill.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the McCarthy-Conyers-Campbell amendment plugs the loopholes in the gun bill. The opponents need an amendment to make it look like they would have gun control, but it is not effective. They did not want to provide anything effective, so they chose the Dingell amendment. We have to do better than that. We have to vote for McCarthy-Conyers-Campbell. It plugs the loopholes. We need to plug these loopholes. Let us not give the Republicans a relief act through the Dingell amendment. Let us kill the Dingell amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 2¾ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the McCarthy-Conyers-Campbell amendment to plug the loopholes.

The realities, I say to my colleagues, are, that in communities throughout this country, State criminal justice systems are not automated. Many criminal records are kept on card files. In 24 hours, that is an insufficient amount of time for law enforcement to do an adequate or thorough check. To say that we can do an instant check in 24 hours is to assume that everyone has computers. Go to the criminal justice office in your community and see if they are not kept on cards. If they are, then you know that instant check will not work. I rise in support of McCarthy-Conyers-Campbell.

□ 2330

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my distinguished friend, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, the other day I spoke at a Memorial Day service in Lilly, Pennsylvania. In Lilly during World War I they had lost 14 or 15 people. In World War II they had lost a little less. But one family sent 10 boys to World War II. That mother was honored as the Mother of the Year in 1945.

I said, would you like to say something? And the one boy, 74 years old now, got up and he said, I went to the Navy and I came back and I worked in that coal mine, and he sat down. Another young man, 85 years old, got the Silver Star, the Bronze Star, two Purple Hearts, and a combat infantryman badge from World War II. And I said, would you like to say something? He said, I said my say in World War II.

We get up here and we talk and we talk and we talk. We act like we are going to solve these problems. After I went out and mingled with the crowd, the whole town was there, only 2,000 people in the town, these folks came to me and said, you folks keep abridging our rights. You keep taking away our rights. You keep passing laws that the ordinary citizen lose their ability to do their business.

I have one of the lowest crime rates in the country. Our folks go about their business. Our big business is the industrial revolution. We produced all the steel and coal for the country. They do not listen to Washington a lot. There is nobody listening to what I am saying tonight. They are in bed, because they have to get up the next morning and go to work.

Mr. Chairman, let me say this. If Members think what we are trying to do here today is going to solve these problems, it is much more complicated than that. All we are trying to do with the Dingell amendment is reduce some of the burden on the law-abiding citizens. I ask Members to support the Dingell amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to remind my friend that if it had not been for the Committee on Rules, we would be in bed, too, tonight.

Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me just clarify, this is about closing a loophole so criminals cannot get guns. With all due respect to the gentleman from Michigan (Chairman DINGELL), under his bill nine unlicensed gun dealers can call themselves a gun show and sell thousands of guns, literally, and no requirement to fill out the form the gentleman from Michigan (Chairman DINGELL) referenced moments ago.

To the hunters of America and NRA members across the land, let me firmly assert, they have nothing to fear but fear itself. This is about criminals not getting guns, not themselves. They are law-biding citizens. They are great patriots. They love their country and their guns.

The criminals will get less guns, there are more guns for NRA members and hunters.

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

Mr. Chairman, we are talking about closing loopholes. Let us address it. The person who buys a gun at a gun show or anywhere else has to fill out this form. Failure to fill it out truthfully constitutes a felony. Purchase of a gun with a falsified 4473 form constitutes a felony. We are covering all sales at gun shows with the penalties of this.

Mrs. Reno has said, NIC has been a tremendous success. Simply stated, denials and arrests translate into lives saved and less crime. The hard fact of the matter is it is working now. It will work better. By the time the effective date of this act is present, we will find that gun shows will be able to do all the things that are necessary.

There is no reason to burden a law-abiding citizen with more than 24 hours delay. To go further is simply to assure that people will go around gun shows and will achieve gun purchases and ownership in other ways.

I urge my colleagues to make the responsible vote. Let us close the loophole. Let us see to it that we cover all sales at gun shows, and let us pass a decent bill that the people can support.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and in support of America's children and the victims of gun violence in America.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment that will protect the children of America.

Mr. Chairman, the Dingell amendment does one thing. It would make sure it's easy for criminals to get guns shows and flea markets. Do hunters need that? Do sportsmen? No.

With the instant check proposed, most purchasers will be approved quickly. But the criminals won't. The gun lobby wants to try to scare normal sportsmen into believing that keeping felons from buying guns means duck hunting season is canceled this year.

I hope that the honest sportsmen and women of this county won't buy it and I hope that the House will not either.

Vote ''no'' on this deceptive amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the g entlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the amendment of my good friend the gentlewoman from New York (Mrs. MCCARTHY).

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, on behalf of the American people, I rise in opposition to the Dingell amendment and in support of the Conyers amendment, the McCarthy amendment, to keep guns out of the hands of criminals.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in opposition to the Dingell amendment, and to allowing criminals to buy guns at gun shows, and to guns being sold to children who end up dying each and every day from gun violence.

Mr. Chairman, the American people were promised commonsense gun control. The American people expect us to take commonsense measures to prevent the sale of guns to the wrong people. However, Mr. DINGELL's amendment will allow criminals to get guns.

Of course we know that these guns end up in the hands of children. And then, what do we have—children in urban and now, suburban communities killing each other. And then, to add insult to injury, this Congress's response is to enhance sentences and try young people in the courts as adults rather than provide for measures to prevent juveniles from becoming violent in the first place through crime prevention measures as the Conyers Campbell substitute would have addressed.

The emergency rooms in our hospitals and our mortuaries are filled with young people. For those of us who have witnessed the ambulances and heard the sirens around the clock, for those who feel the pain from the loss of their child to gun violence, please vote for the McCarthy-Roukema amendment and close this loophole which has caused the death of too many of our children. The Dingell amendment ensures that criminals will be able to buy guns.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the Conyers-Campbell amendment and the McCarthy-Roukema-Blagojevich amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of American children, and in opposition to the Dingell amendment allowing criminals to buy guns at gun shows, and in support of the McCarthy-Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy and the Campbell-Conyers amendment. Extension of the 3-day background check to guns purchased at gun shows is fair and sensible and will close a glaring loophole in our gun laws.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment. On behalf of of American parents and their children.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to close debate on our portion of this very important proposal to the gentleman from Georgia (Mr. LEWIS).

The CHAIRMAN. The gentleman from Georgia (Mr. LEWIS) is recognized for 1½ minutes.

Mr. LEWIS of Georgia. Mr. Chairman, 34,000 lives lost, not in the Far East, not in Eastern Europe, not in Africa, but right here in America on our streets, in our neighborhoods, on our playgrounds; 34,000 lives lost, lost to gun violence last year.

What would it take before we act, another Littleton, another Paducah, another Conyers, another Jonesboro? Thirteen children a day lost, lost to

gun violence. We need courage, nothing but raw courage, to protect the lives of our children.

I am sick and tired of going to funerals of young children. How many more times must I hold a weeping mother in my arms? How long, how long before we act to stop this senseless violence?

During another period in our history we have sung, where have all the children gone, in some graveyard one by one?

□ 2340

Thirty-four thousand lives gone; lost; dead; buried because of gun violence.

Joshua of old says, ''Choose you this day whom you will serve.''

Will we serve the NRA or will we serve our people, our Nation, our children? As for me and my house, I will cast my lot and my vote with the children. Close the gun show loophole. Defeat the Dingell amendment. Vote for the McCarthy amendment.

Mr. TOWNS. Mr. Chairman, this amendment is another attempt by the NRA and its allies to block meaningful gun control legislation.

Observe for a moment the ramifications of this measure. It reduces the maximum time for background checks to 24 hours, rather than 3 business days under the current Brady law. If the background check is not completed within the allotted time, then the sale would be permitted.

Certain statistics from the Department of Justice cite that 40% of denied requests would go through if this amendment passed. The reason people have been denied a gun is that they have a history of violence and could potentially harm some innocent person, or they are too young to possess firearms.

Now the law will force states that do not keep very good records, or are slow at retrieving the necessary information, to permit a gun sale that should be denied. What is the urgency? Why would a person need a gun within one day instead of a couple of days later? Could it be to threaten or exact revenue? Well, this would be quite possible if this amendment passes and a weapon ends up in the hands of someone who should not have it.

We should be taking additional precautions to make sure that we keep guns out of the hands of convicted felons, not dismantling them and purposely creating loopholes. And if that means taking another 48 hours, by all means I think that public safety should have preference. If a person needs a gun on Friday, then he or she should buy it three business days in advance.

The NRA does not care who gets guns. Their philosophy is simply to oppose any regulation of guns, period, no matter what the consequences are. The current Brady law makes this country safer by keeping guns out of the hands of criminals, and therefore I urge the House to oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

Moreover, if the check cannot be completed within the 24 hours, the sale would be allowed to proceed, thus allowing criminals to buy weapons at large gun shows at the beginning of a holiday weekend, while, after 24 hours, the gun is theirs.

This amendment is misguided, misleading, and even dangerous! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 211, not voting 6, as follows:

[Roll No. 234]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Young (AK)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

□ 0002

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall no. 234, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in Part B of House Report 106–186.

Mrs. MCCARTHY of New York. Mr. Chairman, I ask unanimous consent that the debate time on the McCarthy-Roukema amendment be extended 10 minutes, 5 minutes on each side.

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I would not object if the leadership on both sides would agree that we could roll the vote until 10 a.m. tomorrow morning.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York (Mrs. MCCARTHY)?

Mr. BARTON of Texas. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mrs. MCCARTHY of New York:

Strike section 2(b) and all that follows through the end of the bill and insert the following:

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which there are 2 or more gun show vendors.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**''§ 931. Regulation of firearms transfers at gun shows**

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before admitting a gun show vendor, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before admitting a gun show vendir, requires such gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the applicable requirements of this section, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date which the licensee first contacts the system with respect to the transfer. In no event shall such records be used for the creation of a national firearms registry''.

(h) INTERSTATE SHIPMENT OF LICENSEES.—Nothing in this section shall affect the right of a licensed importer, licensed manufacturer or licensed dealer to receive or ship firearms in interstate commerce in accordance with the provisions of this chapter.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself 30 seconds.

Dear colleagues, this is an amendment that is commonsense. It is commonsense for the American people. I ask the Members to listen to the speakers and, hopefully, be open-minded when they vote.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am really more than a little perplexed, my colleagues, at this point in time, after what we have just been through. We have just been debating for almost an hour, well, almost 2 hours, literally what the issues are here, and the McCarthy-Roukema amendment should be clearly understood at this point. But I am afraid, in looking at the last amendment and the way that happened, perhaps there are still some unknowns.

I had been fully prepared to talk about the deficiencies of the Hyde proposal and how we were closing that loophole, but now we have a more extreme position here that we are discussing and we just went through almost an hour of debate on it.

Those of my colleagues who were listening earlier know how strongly I feel about the Dingell proposal, and I guess now that it has been passed, I think we have to explain in fundamental terms exactly why, now more than ever, we need the McCarthy amendment.

□ 0010

Now, I want my colleagues to understand that what the McCarthy-Roukema amendment does in the first place is simply closes that Dingell loophole or any loopholes in the gun show.

It is the Senate bill. And it is not about taking guns away from law-abiding citizens. It is plain and simply about keeping guns out of the hands of criminals.

I can give my colleagues the statistics. FBI statistics are very clear that this loophole is going to increase immeasurably gun sales and make gun runners out of criminals and gun shows will be legal gun running operations.

Mr. Chairman, as the cosponsor of this amendment I rise in strong support of the amendment offered by my colleague from New York (Mrs. MCCARTHY).

Mr. Chairman, this debate is not about taking guns away from sportsmen and hunters or law-abiding citizens who own guns to protect their families or their property. This debate is about law and order. It's about giving law enforcement the tools they need to keep firearms away from criminals, people with mental illness—and yes—kids.

Mr. Chairman, for the last 2 days we have been debating how best to protect our children. We've discussed drug trafficking, pornography, movies, television shows, video games, etc. And well we should. We have a culture of violence that is killing children and destroying our communities and it needs our attention now!

Tonight, we turn to guns.

Every day in America, 13 young people under the age of 19 are killed in gun homicides, suicides and unintentional shootings. That is one classroom of kids every day.

That is what this debate is about—not taking guns away from law-abiding citizens. But about law-and-order and protecting our kids.

Granted, these kids get their guns from a variety of sources. But increasingly, gun shows have become a significant source of guns for illegal users, including children.

Why is this trend developing?

Because criminals, mental defectives and—yes—kids know they can't pass the background check that they will have to undergo if they attempt to purchase a weapon at a sporting goods store, gun shop or from a licensed gun dealer. But they also know that gun sellers at gun shows do not have to run a background check.

Yes, criminals have found that they can obtain unlimited numbers of firearms at gun shows with ease. And because no sales records are kept at gun shows these firearms can be resold on the street and used in crimes without being traced.

Under the Hyde language, you could have nine dealers present selling thousands of weapons—a virtual arsenal—without a single background check.

It shreds the fine common sense provision of the Senate bill. Now with the Dingell amendment, the McCarthy-Roukema amendment is needed more than ever to bring law

and order back to gun dealing and the sale of guns.

The McCarthy/Roukema amendment repeals the Dingell loophole. It would define a gun show as any event where 50 or more weapons are exhibited for sale, transfer, or exchange and where two or more gun show vendors are present. Using the number of weapons and vendors present in determining what constitutes a gun show is the best way to close the loophole. Any event meeting the standard would require the vendor to perform a background check on the purchaser before the sale or transfer is complete.

My colleagues, the choice is clear. Support the McCarthy amendment or vote to maintain a dangerous status quo where hundreds of thousands of weapons are sold to thousands of buyers without a single background check for criminal record or mental illness.

Mr. Chairman, the vast majority of people who purchase guns at gun shows are responsible, law abiding citizens. But increasingly, many are not.

Columbine student Eric Harris illegally obtained the TEC–9 assault weapon used in the Littleton tragedy through a gun show. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

The time is now to close the gun show loophole and make private dealers follow the same law as federally licensed firearms dealers.

This is about law and order—it is not about taking away the rights of the law abiding to own guns.

Support the McCarthy/Roukema amendment.

And I again must commend Mrs. McCarthy who has used her tragedy to dedicate herself to doing what she can to protect others from suffering the personal trauma and grief that she has had to hear when her husbands life was taken and her son permanently physically disabled by a man who criminally obtained the guns. I respectfully thank God for her commitment to making America a better place.

Mr. MCCOLLUM. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) will control 15 minutes.

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

Mr. Chairman, I must reluctantly disagree with my good friend from New Jersey (Mrs. ROUKEMA) on her amendment with the gentlewoman from New York (Mrs. MCCARTHY) tonight.

This amendment is similar to the Lautenberg amendment, which was an amendment to a bill in the other body. It is vague. It is overbroad. And it may very well put gun shows out of business if it is passed or adopted.

The amendment to H.R. 2122 would amend it to define a ''gun show'' as any event at which 50 or more firearms are offered or exhibited and at which two or more persons exhibiting a firearm are present.

Unlike the underlying bill, H.R. 2122, it does not specify what types of events fall within the definition. So a community yard sale where one person is selling his firearm collection, which could easily be more than 50 guns, and another neighbor who puts one of his firearms on the table to exhibit it, without even selling it, would consist a gun show under this amendment.

Unlike H.R. 2122, this amendment only requires that there be two people exhibiting firearms for it to be a gun show. Thus, the amendment turns on a gathering of three friends who bring their collections to show one another. Where one friend trades one of his firearms with a friend at no cost, with no money exchanging hands, it turns that into a gun show.

Under the McCarthy-Roukema amendment, before these friends could trade guns with one another, they would have to have a licensed dealer run a background check on themselves and transfer them the firearm or firearms for them.

The McCarthy-Roukema amendment only allows licensed dealers to conduct background checks at gun shows. Since gun shows are places where non-dealers go to exhibit their collections, this requirement will so burden gun shows sales that I doubt that many gun shows would ever be held.

We are not here today to put gun shows out of business. We are here today to stop people who are violent felons, criminals, from being able to buy guns at gun shows.

The McCarthy amendment is so overbroad that it would require gun show promoters to keep records on every patron at the gun show who lawfully brings a firearm with them and shows it to some other person even if they are not a vendor with a table or booth at a show.

Why? Because under this amendment, gun show promoters must register anyone who merely exhibits a firearm to another person even if they are not a vendor with a table or a booth at a show or be subject to criminal punishment. It is unfair to subject gun show promoters to a risk they simply cannot control.

The McCarthy-Roukema amendment is so overbroad that it requires gun show promoters to give notice to each person who attends a gun show of the requirements of her amendment or face criminal punishment.

The McCarthy-Roukema will have the effect of ending most gun shows. The risk of criminal punishment for failure to comply with all of the new requirements will simply be too great for anybody to take the risk of running a gun show.

It is wrong to put gun shows, in my judgment, at an end. Although the intentions may be perfectly good, it is wrong to put them at an end by regulating them to death.

H.R. 2122, the underlying bill, even as amended, strikes, in my judgment, the right balance between protecting our communities from felons who try to buy firearms at gun shows and protecting the rights of law-abiding citizens to keep and bear arms.

So I urge all of my colleagues to defeat this amendment. I urge them to adopt the bill that we have before us tonight, a bill that would close the loophole in gun show sales to felons. It is well-written, well-crafted.

There may be a dispute that I had with some of my friends over the length of time to check on the background of somebody who turns up as a hit. But it is basically a fundamentally sound way to close this loophole. And the McCarthy amendment, on the other hand, does not just close the loophole. It closes the gun show.

That is not what we are here tonight about. We are here to protect kids. We are clear to close the loophole in the law. And we are here to make it certain that felons do not buy guns.

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

Mrs. MCCARTHY. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I say to the gentleman from Florida (Mr. MCCOLLUM), page one of the McCarthy amendment: '''Gun show' is a term at which 50 or more firearms are offered or exhibited for sale and which there are two or more gun show vendors.''

How could that be a yard sale?

Mrs. MCCARTHY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY) my longtime friend.

Mrs. LOWEY. Mr. Chairman, we have an opportunity tonight to save lives.

December 7, 1993. The gentlewoman from New York (Mrs. MCCARTHY) will not forget that day. The families of the six dead, the 19 wounded will not forget that day. Eight weeks ago, 12 students and a teacher were killed at Columbine High School.

Tonight we are finally considering legislation to protect our families and our children from guns. The American people have turned to us for leadership. And tonight, my colleagues, we are going to see if this House has the courage to answer that call and turn its back on the NRA.

Everywhere I go in my district, at the supermarket, at neighborhood events, mothers come up to me, children in hand, and ask me, ''What are we going to to do to stop this violence?'' ''What are we doing to stop the guns flowing in our schools and onto our streets?''

I challenge anyone in this House to look one of those mothers in the eye that came to us just yesterday talking to us about their children, their husband, there was a young girl there who was wounded 13 times, let us look her in the eye and tell her that this is more important to avoid inconveniencing a handful of gun buyers than it is to protect her child.

I would like to remind my colleagues that, in the first 15 minutes of the instant check, 75 percent of the people are cleared. In the next couple of hours, it goes up to 90 percent.

So we are talking about inconveniencing a couple of people to check their record to be sure that we save lives.

We know that this is not going to solve all our problems. We have to address the whole culture of violence in this country. But tonight we have to begin, we have to respond, we have to act. We have to pass the McCarthy amendment.

Closing this loophole will make a critical difference in protecting our children.

□ 0020

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. For those who voted for the prior amendment offered by the gentleman from Michigan (Mr. DINGELL), the choice on the current amendment before this body, and that is the McCarthy-Lautenberg amendment, could not be clearer. There is no way that you could support the Dingell amendment and support the McCarthy-Lautenberg amendment. They are like night and day.

Let us look at some of the differences. The McCarthy-Lautenberg amendment is typical Washington, because only in Washington could the taxpayers of this country submit over $200 million of their money for the development of an instant background check, tell their legislators, that is this body and the Senate, that we are in support of and want you to institute an instant background check, and wind up with a background check that is called instant but can take up to 6 days. Only in Washington does $200 million get you an instant background check that can take up to 6 days. That date of 3 working days, which can balloon on a holiday weekend, which is very popular for gun shows, into 6 days was not chosen at random. Three days was chosen because it would put gun shows out of business, yet it appears to be benign. Therein lies much of the danger of the McCarthy-Lautenberg amendment. It appears to be benign but it is a wolf in sheep's clothing. The paperwork which the gentleman from Florida has already alluded to would literally cripple gun show promoters, gun show organizers and gun show owners. They would subject themselves to criminal liability for an inadvertent failure to comply with the massive paperwork burdens which will be laid upon them by none other than the Secretary of the Treasury.

One of the most common terms, one of the most common references, some of the most common language which permeates the McCarthy-Lautenberg amendment before this body refers to powers to regulate given to the Secretary of the Treasury and, by delegation, ATF.

The gentleman from Florida also alluded to the fact that under the very broad definitions of the McCarthy-Lautenberg amendment, a gun show could be a yard sale or an estate sale, an estate sale, for example, at which as few as 50 firearms, which is not that many for some collectors of historical firearms and at which two or more show up, not one gun has to be sold. There can be a discussion of a sale, a discussion of a transfer, and all of a sudden, bingo, in Washington magic, you have an estate auction with two people discussing the transfer of as few as one of 50 firearms becoming subject to the whole range of paperwork burden, criminal liability, civil liability, gun information registry and gun tax that is provided in the McCarthy-Lautenberg amendment. Only in Washington could people with a straight face say that that is an improvement over Dingell. The same people only in Washington that would tell us with a straight face that an instant background check can take up to 6 days. The same people that only in Washington can tell us with a straight face that $200 million to buy an instant background check system gets us a system that takes up to 6 days and yet the other side says, ''Oh, that's just a slight inconvenience.'' The McCarthy-Lautenberg amendment is not Lautenberg Lite, it is Lautenberg Heavy, and for those who supported the Dingell amendment, you have to vote against the McCarthy-Lautenberg amendment. I urge its strong defeat.

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANTOS. Who is Mr. Lautenberg?

The CHAIRMAN. The gentleman has alluded to sponsorship of a similar provision in the Senate, which is permissible under the rules.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, this House has invested millions of dollars in establishing a national background check system, and it works. We have seen it work. It keeps guns out of the hands of criminals, of rapists, of abusers. That is a good thing. The only thing we are talking about here tonight is whether we should use that check system not only when guns are sold by dealers but when guns are sold at gun fairs. The only issue is whether it should cover all gun fair transactions or some gun fair transactions.

I would say to my friend from Georgia, only in this House could ''all'' be defined as ''some.'' I just wanted to define ''all'' as ''all.'' It should cover all transactions at gun fairs. Where 10 vendors get together, clearly that is a gun fair. Why when nine get together, when thousands of guns are sold, is it not a gun fair? Why when eight get together is it not a gun fair? Why when seven, when six, when five, when four? Surely when two vendors get together, they ought to have background checks. It is all. It is everyone. It is children's lives at stake.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the courageous gentlewoman from New York for yielding me this time. I listened to a colleague of ours on television this morning say that we should not close the gun show loophole because it would create too much paperwork, it would be an inconvenience. An inconvenience? Tell that to the parents of a murdered child. Talk to them about the inconvenience of paperwork. Tell them about the annoyance of waiting 3 days for a gun, and one gun that would be kept out of the hands of a criminal.

Wake up, Congress. Thirteen children a day are killed by guns in this country. And we do not want people to be inconvenienced? I ask you tonight to vote with your heart. Compare the hardship. I ask you to vote for the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

(Mr. CAMPBELL asked and was given permission to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the McCarthy-Roukema substitute. The 3-day delay is essential to deter the purchase of a weapon in haste—the purchase of a weapon to settle an argument, or in the heat of passion.

I understand many disagree on the wisdom of possessing a firearm. Many point to statistics showing a much greater risk of an accidental misuse of a firearm in a home than that firearm ever being used to defend against an intruder. Others say it is their choice to make, and I understand that. The right to make that choice, however, is not the right to make the choice precipitously. Think carefully about your choice to possess a firearm. Think it out in advance. Don't make this kind of judgment in the midst of anger, or to settle a domestic dispute. The 3-day delay helps accomplish this much more than would an instantaneous check.

Some of those who oppose the 3-day delay also support a delay to be imposed on a woman who chooses to have an abortion—as was upheld by the U.S. Supreme Court in Planned Parenthood versus Casey. Just as the Supreme Court recognized that a delay on exercising what they held to be a constitutional right was permissible in that context, so also, in my view, would a 3-day delay on exercising a right to purchase a firearm be held constitutional. A 3-day delay on the purchase of a firearm is wise, and it is constitutional.

Today, this view failed in the vote on the Dingell substitute. With one change in vote, however, and the six Members who had to be absent tonight, voting tomorrow, we can reverse this result. Tomorrow, we will vote on the substitute by Congressman CONYERS and myself. It will enact in our House what has already passed the Senate. We have one more chance to do what is right, what is constitutional, what is safe.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

□ 0030

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for all she has done.

Let me just try to run through this, what I have tried to glean from this discussion. Ninety percent or so of the people that go in to buy a gun will go through the instant background check, and they will be cleared right away. That is probably everybody in this room. That probably leaves 10 percent.

What do we know about those 10 percent? Those 10 percent probably have some kind of an arrest on their record. That is what shows up at that instant check.

Now, what do we know after that? We do not know anything after that if we assume the Dingell amendment which has just passed, which is a 24-hour period, but they may be convicted felons is what we know. But we will not know that for sure under this particular legislation, because most gun shows take place on the weekend, and the people who want to buy the guns are going to go in there, if they are convicted felons, on a Friday night or a Saturday. We have, in a way, sort of concocted a felon holiday, if you will; a period of time where, for a little bit in the beginning of the weekend, so they can get the gun and get out before the 24 hours is over, and they can go in and purchase a gun.

Why can they do that? Because the courts are not open. The courts are certainly not open in Georgetown, Dover, or New Castle County, Delaware. That is the problem.

I think we need to pass the McCarthy bill, really close the loopholes so that the felons will not have guns. Vote for the McCarthy-Roukema amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 6½ minutes remaining. The gentlewoman from New York (Mrs. MCCARTHY) has 7½ remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, about 3 weeks ago a young Senate staffer was coming home at night and decided to cross one of the Capitol Hill parks, and partway through that park, she was confronted by three young men, and she started to run away. But one of the men brandished a handgun, so she stopped. They wanted money. She felt sorry for them, but she did not have any money. In fact, she said to me, I wish I had some money to give them.

One of the men started to search her, but he did not want to stop with just a search, but for some reason or another he did, and she got away. Our Capitol Police rescued her, and they eventually apprehended them that night, these three young men. They were all minors; two of them had rap sheets.

We talked about how she felt about those events, and she told me that she is angry, that they took away her freedom, and that she is frightened when she walks by that park. And I said, what should we do? And she said, it does not make any sense to pass another law that is just going to be broken.

I asked her about guns. What did it make her feel about guns? She said she was not afraid about being shot, she was afraid that they were going to rape her, and that the gun gave them power over her. She could outrun those kids, she thought, but she could not outrun a bullet.

Then, when she went to the arraignment, one of the boy's parents showed up, and he was the one without a record. The other two boys' parents did not even bother to show up at the arraignment, and she felt sorry for them, but she did not want them to be able to assault someone else.

Again, I asked her, how did this make you feel about guns? She said, well, my dad has a gun, and I agree with the bumper sticker that says, when they take away our guns, only the criminals are going to have guns. But, she said, you will not solve this problem with more laws. She said, you have the power to make a law, but it will be broken every day, and I will not feel any more safe, she said, because I am not going to be any more safe. She said, you cannot make a law that will make those parents care enough to show up at an arraignment to do something about their kids.

This extraordinary young lady happens to be my niece, and I am really proud of her. She is brave and compassionate, and she is wise, and we ought to listen to her words. She understands more than most of us in this room understand that while we have the power to pass laws, it takes families to solve this problem, families that care. Just as more gun laws would not have saved a single child in Littleton, more gun laws would not have prevented these thugs from confronting my niece.

But I say to my colleagues, enforcing the existing laws would have, because I learned tonight from the arresting officer that one of these young thugs was already on probation for brandishing a gun.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a very courageous police officer.

Mr. STUPAK. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

Mr. Chairman, as my colleagues know, I am a former police officer, I am a member of the NRA, and I am a lifelong gun owner. My wife and my two sons own guns. We, Mr. Chairman, are responsible gun owners who have taken guns safety courses and educated our children about how to operate and respect firearms.

The McCarthy amendment is not gun control. It does not take away any guns, and it does not prohibit law-abiding individuals from purchasing guns. The McCarthy amendment is a gun safety provision which continues the instant check system before one purchases a gun. McCarthy says that if one wants to purchase a gun, we all follow the same rules. We are all subject to the same instant background check.

The McCarthy amendment says, whether I purchase my gun at K-Mart or at the weekend gun show, I must be treated the same. I must follow the same instant check system. No exceptions, no excuses, no special treatment for people who purchase guns at gun shows.

The McCarthy amendment does not take away any rights. It does not prevent the sale of any guns. It only requires that we all play by the same rules.

Earlier tonight I offered an amendment in the motion to recommit on the juvenile justice bill that did not contain any gun provisions. I am not interested in, and I will not vote to take away your guns. I will not try to control your guns. I want to make sure that every gun purchaser is treated the same, and that is why I am going to vote for the McCarthy amendment. I will vote to make sure that all prospective gun purchasers must follow the same instant check system. No exceptions, no excuses, no special treatment.

With so many gun owners and hunters in my district, the last vote and this vote are very tough votes for me politically. But I say to my colleagues, this is the right vote. I urge my colleagues to do the right thing. Vote for the McCarthy amendment.

The CHAIRMAN. The gentleman from Florida has 4 minutes remaining; the gentlewoman from New York has 5½ minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, we passed the Brady Bill 5 years ago, and it has worked. What we have tonight is a loophole that we must close in the Brady Bill, and the McCarthy-Roukema amendment will do that.

I have a quote from a gun dealer, a gun dealer who said, and he was quoted in the newspaper, a criminal could come here to a gun show and go booth to booth until he finds an individual to sell him a gun with no questions asked, unquote.

Mr. Chairman, it just makes no sense that any person can today walk into a gun show, make a purchase without any precautions whatsoever. Moreover, illegal purchasers know, they know that they can go to a gun show without worrying about being denied a purchase. We have some statistics.

An Illinois State Police study demonstrated that 25 percent of illegally trafficked firearms used in crimes

originate at gun shows. Ironically, in Florida, an inmate escaping from detention stopped at a gun show to make a purchase while fleeing law enforcement authorities. No background check, no waiting period. Let us close that loophole to make our country safer for all citizenry.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, on August 2 in 1876, Jack McCall walked into saloon number 10 in Deadwood, South Dakota, and brutally murdered Wild Bill Hickok. Now, if there had been background checks at the time, they probably would have discovered that Jack McCall was a pretty unsavory character. But I do not think it would have prevented him from getting the gun with which he committed the murder, because he had criminal intent.

Well, that was the wild, wild West. This is the 1990s. Times have changed. We have background checks, but some things have not changed.

□ 1240

Bad people do bad things. Criminals will get guns. That is fact number one.

Fact number two is accidents happen.

Fact number three is Congress cannot change fact number one or fact number two.

I grew up in a culture in my State of South Dakota where at the age of 12 I started hunting and learned the responsible use of firearms. I, too, have young children, 12 and 9 years old. I am profoundly and personally committed to see that the things that happened in Littleton, Colorado, do not happen in my home State of South Dakota or anywhere else in America.

But I have to tell the Members, I think for people here this evening, gun shows are getting a bad name. I don't know how many have ever been to a gun show. I would like to see a show of hands. They are normal people. They are not villains. They are people like the Members and me. They go there because they are collectors, they are law-abiding citizens.

What we are trying to do here tonight is to make sure we protect the rights of law-biding citizens and crack down on criminals. We had an opportunity to vote on legislation earlier today that would do that.

We are addressing the cultural influences that are impacting this issue, but we should not go so far as to prevent law-abiding citizens from having access to firearms. We cannot take every gun, every knife, every nail, every propane tank, and every potential weapon away from every person in America because we are afraid that somewhere, somehow, someone is going to get hurt.

This is not the answer. More laws are not the answer. The answers are found in the human heart. They are found in the American home. They are found in the pews of our churches and around dinner tables at night. They are found in the choices that we make and the priorities we set and the value that we place on our children.

Until we realize that, we are going to pass a lot of legislative chaff designed to stuff the void that must be filled with love, values, and personal responsibility.

I urge Members to vote no on this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank my good friend for yielding time to me.

I stand with the major police organizations of the United States of America for America's children. That is where I stand. That is where I stand.

How many children are still alive because of safety caps on medicine bottles? How many children are still alive because of childproof cigarette lighters? Is this government intervention? No, it saves lives. That is what it is all about.

I urge my colleagues to see through the myths, put aside the partisan rhetoric, and do what is right: Vote for the McCarthy amendment. That is what we should be doing.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Boston, Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from New York for yielding time to me.

Mr. Chairman, all of the materials we are looking at this evening, the underlying bill, H.R. 2122, the Dingell amendment, the McCarthy amendment, all collectively apparently have some sort of broad support for the prospect that we need a background check and a waiting period. What we are arguing about here is time, the amount of time for that.

We all apparently agree on the purpose of that, is to keep guns out of the hands of the wrong people, because 17,000 of those wrong people presumably would have gotten their hands on guns if we in fact had the Dingell resolution as law, because that is what the statistics and the facts tell us, that that many people, with the Dingell provision in effect, still would have been felons, the wrong kind of people, who would have gotten guns.

We can presume that if they went in under the Dingell provision and bought that gun on a Saturday or Friday night, the background check of 24 hours would not have been effective, and they would have been out there with their gun causing damage.

In 1996, 4,643 young people were injured and 2,866 were murdered. We can presume that some of them might have been in that circumstance, and we ought to not worry about a little inconvenience, we ought to worry about the comments this brave women and the other people in America are saying, protect our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the McCarthy amendment that might have saved the lives of Officers Gibson and Chestnut.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. BLAGOJEVICH.)

Mr. BLAGOJEVICH. Mr. Chairman, the gentleman from South Dakota just moments ago said two things that I agree with regarding gun shows. Number one, most people involved in gun shows are law-abiding citizens. I think that is true. Number two, he said that criminals can always get guns. He is right about that, they can go to gun shows to get guns.

In fact, 54,000 guns were confiscated last year in crimes that came from gun shows, in the 5,200 gun shows we had across the country. The reason is very simple, the Brady law that simply asks whether or not you are a convicted felon or that you are a proscribed person under the law, they want to find out whether you have violated the law, we do a background check. The Brady law has worked. Four hundred thousand criminals have not gotten guns. We want to apply that to gun shows and ask the same questions.

It is not against hunters, it is not against law-abiding citizens, it is not against NRA members, unless you are a criminal. That is what this is all about.

Let us close this loophole. Under the previous amendment, nine vendors can get together and sell thousands of guns, literally, with no questions asked.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the pending amendment because I simply cannot understand how a House of people who are willing to wait 4 days for dry cleaning cannot wait for a gun.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would request all Members not to embellish simple unanimous consent requests.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save America's children.

Mr. Chairman, it is time for this House to come together on a bipartisan basis and do

what the parents of America expect us to do, what they have hoped we would do since the moment a high school in Colorado became a killing field.

We are charged by the friends and neighbors and parents who elected us to this chamber to protect this nation's children.

Some people in America, and in this Chamber, would have us enact stronger measures than those embodied in this amendment.

But these are the gun child safety measures the Senate was able to approve. Let us at least do this much, pass what the Senate agreed upon.

If we do this much, we will not only take a step toward meeting our obligation to the parents of this nation. By making these protections the law of the land, we will also be making history.

We will make history when we listen to the parents of America and prefer the safety of children over the special interests, teeming in the Capitol and fighting against sensible gun safety measures.

Can't we do this much for the mothers and fathers of our country?

As a mother of two school-aged children, I understand the depth of feeling of other parents. When my kids, or yours, go off to school, we don't want to think, even for a moment, that we might never see them again, because some boy brought a semi-automatic to class and opened fire. We know all too well, because of what happened in schools from Colorado, to Kentucky, to Oregon, that this is no exaggeration.

I'm the first to concede that these common sense gun measures are not the whole answer. But they can and will make a difference.

We know that if the boys who murdered those students in Colorado had not been able to obtain the weapons they did, the slaughter would not have happened.

For every law there will be violators. No system is perfect. But we know that the existing Brady bill has kept thousands and thousands of ineligible persons from purchasing weapons—it stopped felons from purchasing or possessing such instruments of destruction.

If we can decrease the number of guns available to troubled kids, it can only help.

For those who say it's not worth it, unless it's 100%, ask yourself, would you feel that way if it was your teenager who came face to face with a disturbed man with a gun bought at a gun show and loaded up with a high capacity clip? If you could prevent that, wouldn't you do it?

Next Sunday is Father's Day. I can't help but think tonight about the teacher, a father, who escorted students to safety at the cost of his life in the Columbine Massacre. I can't help but think of the mothers and fathers who learned later that day that the son or daughter they loved more than life itself had been killed that day.

While some of us may celebrate Father's Day this weekend, others will most certainly not celebrate, because they hurt so badly.

Before we leave these chambers this Father's Day weekend, let us give our friends and neighbors who sent us here something that says this tragic loss of life, of young and old, was not in vain.

Let us make these moderate, commonsense gun safety measures the law of the land.

Then let us return to our districts with pride that we have made a good start on a difficult problem.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York (4th District). This amendment will require individuals who wish to purchase a firearm at a gun show to submit to a background check before they are able to complete their gun purchase, thus extending additional oversight to Public Law Number 103–159, the Brady Act.

Mr. Chairman, when I was a teacher, we never had to worry about kids bringing guns into schools, and it shouldn't be happening today. We must keep guns out of the hands of our children. A background check provides one more means to protect our children from the irresponsible use of firearms. Our youth must be taught that guns are dangerous and that inappropriate or unsafe use of them has consequences. We must ensure that it is not possible for our youth to buy a gun illegally, nor use a gun without the supervision of their parents.

Most law-abiding gun buyers are not inconvenienced by the current 3-day approval period at gun stores or at gun shows. The FBI's Brady Instant Check System is up and running 7 days a week, and about 73% of background checks on potential gun buyers result in an immediate response by the FBI that the sale may proceed. For every 100 requests for background checks on potential gun purchases, 95 are answered within 2 hours. This amendment does not seek to prevent responsible adults from purchasing guns for sports, or for personal protection. This amendment would guarantee no sale to those who should not be approved. It will reduce the incidence of youngsters obtaining firearms. It will help ensure that guns do not get into the hands of criminals or into the hands of unsupervised youth. The American people support these provisions to require background checks for gun purchases made at gun shows, pawn shops, or flea markets by an overwhelming 77%. This support is solid in rural, suburban, and metropolitan areas across our nation.

Mr. Chairman, I believe safe schools are too important. I support this amendment and also the Democratic substitute offered by the gentleman from Michigan, Ranking Member of the Judiciary Committee. I urge my colleagues will join me in supporting these amendments to protect our children and reduce gun violence in America. Thank you.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the McCarthy amendment and supporting the Conyers, taking the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McCarthy amendment, and commend the gentlewoman for her extraordinary leadership.

Mr. Chairman, I rise today in strong support of the McCarthy amendment that will prevent gun violence, save the lives of our children, and protect the safety of our families and communities. The tragic shootings in Littleton, Colorado have provided Congress with a renewed opportunity to achieve these goals. In response, the other chamber approved gun control legislation that would require gun safety locks, ban importation of high-capacity ammunition clips, and require gun show background checks. While Congress should go farther, these changes represent real progress. At the very least, House action should match this progress and pass these measures to strengthen our gun control laws.

Unfortunately, we debated some amendments that undermine progress and some that would inexcusably weaken existing gun control laws. The Dingell gun show amendment weakens current law by reducing the maximum time allocated for background checks by licensed dealers operating at gun shows from three business days to 24 hours. If this shorter waiting period becomes law, the Justice Department reports that of those now denied guns, 40 percent would obtain a gun. For Saturday background checks, this 24 hour rule would preclude 60 percent of current denials. Let's not pass laws that encourage convicted felons to purchase guns on Saturdays and which reduce Saturday background check denial rates 60 percent.

The impact of easy access to guns is devastating. According to the Children's Defense Fund, each and every day gunfire in America takes the lives of nearly 13 children. In 1996, gunfire killed 4,643 infants, children, and teens. Between 1979 and 1996, firearms wounded 375,000 children and teens and killed more than 75,000. We must take action to protect our children.

When adults have easy access to guns, access by children often follows. This access to firearms, heightens the real problems of our adolescents and youth violence. It is important to note that guns remain the most common method of suicide for children. Guns bring finality to violence and increase its deadly toll.

The NRA claims America has too many gun laws and existing laws are not enforced. They are wrong. Gun control laws are enforced. Today's USA Today reports that enforcement of the Brady gun control law has blocked the sale of more than 400,000 illegal gun sales.

Mr. Chairman, I urge my colleagues to support the McCarthy amendment. Gun control laws are not problem. The problem is gun control loopholes. Let's close the loopholes.

In closing, I wish to thank Congresswoman MCCARTHY for her extraordinary leadership to save the lives of America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Mrs. KILPATRICK. Mr. Chairman, I rise to save America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, on behalf of the women who love their children, I rise in support of the McCarthy amendment.

I rise, Mr. Chairman, to express my support to the passage of the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122, the Mandatory Gun Show Background Check Act.

The McCarthy-Roukema-Blagojevich Amendment ensures complete and accurate background checks at gun shows. The gun show loophole which currently exists makes firearms immediately accessible to children, convicted felons, and others who are not legally able to purchase firearms under The Gun Control Act of 1968. This loophole is unacceptable if we intend to protect the personal safety of our children and loves ones.

The McCarthy-Roukema-Blagojevich Amendment requires a three business day period, rather than 72 hours, to complete Brady Law instant background checks. Three business days enable thorough background checks with minimum inconvenience to the purchaser. Because most gun shows take place during the weekend, when state and local courts are closed, 72 hours is not a sufficient amount of time to check records for convictions. However, even with the three day waiting period, 73% of all background checks are completed instantly and 95% of purchasers are accepted or rejected within 2 hours. Only 5% of cases are delayed for more than two hours.

This amendment does not target or disadvantage law-abiding gun owners. Rather, it simply imposes the same requirements on guns shows as gun stores. Sales records from guns shows would be maintained in the same way they are at gun stores. These records would not function to monitor gun owners already protected by their 2nd amendment rights, but would instead help police trace guns used in crimes.

Gun owners and law-abiding purchasers are further protected by the amendment's requirement that all records of approved transfers be destroyed within 90 days, except those retained for audit purposes. The McCarthy-Roukema-Blagojevich Amendment forbids the FBI from using the instant check system records to create a registry of gun owners. Even the tightened gun show definition, where 50 or more guns are being sold by 2 of or more sellers, provides an individual the freedom to sell guns at a yard sale without being considered a gun show.

I strongly urge my colleagues to support the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122. Legislation which fails to seal the gun show loophole is useless. This important amendment will prevent many small and large scale tragedies while simultaneously preserving our 2nd Amendment rights.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I also rise in support of the McCarthy amendment to save the lives of children and take the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDonald).

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, in support of real gun safety for our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the McCarthy-Roukema-Blagojevich amendment and the Conyers-Campbell amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, the Conyers-Campbell amendment, and to stop the killing of our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save our children.

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Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the McCarthy amendment to protect our children and to plug the gun show loophole.

Mr. Chairman, I rise in strong support of the McCarthy-Roukema-Blagojevich Amendment.

I am outraged that the Republican leadership has the nerve to offer the NRA's watered-down version of the Senate gun safety legislation.

We should not have to wait until there is blood on our hands to pass real legislation to make it harder for kids to get guns.

Our children should be worrying about hitting their books—not about getting hit by a bullet.

Our children should know that ''Gunsmoke'' is an old TV rerun, and not a reality for many of them.

and our children should be safe in their school, their neighborhoods and homes.

Increased gun safety measures could save the lives of thousands of young people every year, and I believe that regardless of political agendas, we have to put our children first. Unfortunately, the Republican gun control or the Dingle legislation will not close the gaping loopholes in our gun laws and will not make our children any safer.

We have heard all the statistics. We know that the American people overwhelmingly support these reforms. We know how many people have died from gun violence in this country. However, sometimes I think that opponents of gun safety are no longer affected by these statistics, because they have heard them over and over again—but Mr. Speaker, this is not about statistics.

This is about lives—the lives of the people who were killed because there were no safety locks or background checks, and the lives of all the people who are going to be killed if we don't pass real gun safety laws.

Mr. Speaker, I am especially outraged at the tactics being used to try and derail enactment of sensible gun safety and gun control measures.

That is because I resent bullies—I always have and I always will!

And I think that the NRA leaders are the bully's of all bullys!

Today, I find myself fighting once again their threats against members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a member of the Petaluma, CA city council I was threatened by these same individuals who promised to post my name in their place of business if I voted for local gun control.

Well, let me tell you I let them know I would be proud to be on their list, so I told them how to spell my name W-O-O-L-S-E-Y.

Today, I am proud to stand for the McCarthy gun legislation to keep our children safe. Any bully who wants to hold that against me needs to spell my name right. W-O-O-L-S-E-Y!

Mr. Chairman I ask unanimous consent to revise and extend my remarks in support of the McCarthy amendment to plug gun show loopholes and protect our children!

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy amendment on behalf of all of the mothers and grandmothers of this Nation.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

(Mrs. NAPOLITANO asked and was given permission to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment to plug gun show sales.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may

consume to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, on behalf of all of us here in this House, I rise in support of the McCarthy-Roukema amendment, and the Conyers-Campbell amendment to take the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD).

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms ROYBAL-ALLARD. Mr. Chairman, I rise in support of our children's safety and in support of the McCarthy-Roukema amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ESHOO).

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, with thanks to these two gentlewomen for the children of America.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS).

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Chairman, I rise in strong support for this gun safety amendment on behalf of our children and in recognition of the excellent leadership of our colleagues, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentlewoman from New York (Mrs. MCCarthy).

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. LANTOS. Mr. Chairman, is chivalry dead in this House?

The CHAIRMAN. The gentleman is not stating a proper parliamentary inquiry.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman. I rise in support of the McCarthy amendment to preserve the Second Amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. STABENOW).

(Ms. STABENOW asked and was given permission to revise and extend her remarks.)

Ms. STABENOW. Mr. Chairman, I rise in support of this very important gun safety legislation for America.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment on behalf of all of the children who have died, on behalf of all of the children who have died in gang warfare and drive-by shootings.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment by the valiant gentlewomen from New York (Mrs. MCCarthy) and New Jersey (Mrs. ROUKEMA) and in favor of strong background checks on criminals across this country.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and America's children and victims of gun violence.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Chairman, on behalf of the 97 percent of the women with children, I rise in support of the McCarthy amendment.

I rise in support of the McCarthy amendment.

Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

This amendment is misguided, misleading even! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

I firmly believe that in order to deter youth violence it is necessary to focus on prevention and not exclusively on punishment; indeed, merely locking up kids with adults is not a legitimate solution to the problem of youth violence. Children's groups across the nation have called on Congress to concentrate on the prevention of juvenile crime: not only punitive measures.

In my home district, Florida's 3rd, on Friday, June 4th at Raines Senior High School, I did just this, and held an in-school meeting to discuss different models of youth violence prevention and mediation. The participants consisted of six Members of Congress, a NASA astronaut, the rap star Snake, 1600 students, and an organization named SHINE (Seeking Harmony In Neighborhoods Everday).

Our discussions centered on prevention, such as positive ways to confront low self-esteem, and a search for non-violent responses to conflict. I believe that it is only possible to permanently end youth violence by teaching our children radically new ways of thinking, which would allow them to direct their energy, presently released through violent means, into positive outlets like music, art and technology, in after school programs.

Along these lines, I suggest that teachers nationwide should include conflict resolution, mediation, and anger management lessons in their yearly course of study, and that these lessons be introduced in all grade levels to positively influence children throughout their school career.

Undoubtedly, the causes of youth violence are extremely complicated and our nation is in need of broad based solutions. An increase in child counseling, the instituting of sufficient mental health resources, and a general questioning of the role of the media in influencing children's attitudes toward guns and violence are all in order. Certainly, as Members of Congress, we should not overlook our role as parents and federal legislators, and do absolutely everything possible to put an end to the horrific, widespread problem of youth violence, with an eye towards prevention, and not just punishment.

Mr. Chairman, we've got to prioritize prevention over prisons. In the last two days I have heard proposals for locking up our children. How will this stop the violence? Simply, it won't.

We've got to enhance our families, our community centers, our churches and our classrooms. Building more prisons is not the answer. We've got to rebuild our communities—that is the only way we can move forward as a country. The Democratic Alternatives offer hope for the future, which is a lot more than the Republican alternatives of steel bars and cell blocks.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may

consume to the gentlewoman from Michigan (Ms. RIVERS).

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of all the American children and in support of the McCarthy-Roukema amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 2 minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank all of my colleagues for their support. This is very hard for me tonight. It is hard for me because I have heard so many different things. I have been here just about 3 years and I am used to all the different spins. I do not understand them all the time, but that is what I do.

What we were supposed to be doing tonight was trying to serve the American people. What we are doing tonight is saying and listening to the victims across this country. That is all we are trying to do. That is the only reason I came to Congress.

Someday I would like to hopefully not have to meet a victim and say I know, because it is really hard. We have heard the arguments on both sides, and I wish we had more time to really say the truth about everything. My amendment closes the loophole. That is all I am trying to do.

I am trying to stop the criminals from being able to get guns. That is all I am trying to do. This is not a game to me. This is not a game to the American people.

□ 0100

All of my colleagues have to vote their conscience, and I know that. But I have to tell my colleagues, mothers, fathers, who have lost their children, wives that have lost their loved ones, this is important to them.

We have an opportunity here in Washington to stop playing games. That is what I came to Washington for. I am sorry that this is very hard for me. I am Irish, and I am not supposed to cry in front of anyone. But I made a promise a long time ago. I made a promise to my son and to my husband. If there was anything that I could do to prevent one family from going through what I have gone through and every other victim that I know have gone through, then I have done my job. Let me go home. Let me go home.

I love working with all of you people. I think all of my colleagues are great. But sometimes we lose sight of why we are all here. I am trying to remind my colleagues of that.

Three business days, an inconvenience to some people. It is not infringing on constitutional rights. It is not taking away anyone's right to own a gun. I do not think that is difficult for us to do. If we do not do it, shame on us, because I have to tell my colleagues, the American people will remember.

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

Mr. Chairman, all of us who are here tonight are here with poignance and concern and feel for the sincerity of the speech we just heard. I have three sons, my wife and I do, and I can only imagine the pain that those such as the gentlewoman from New York (Mrs. MCCARTHY) who have lost their children to violence must feel. That is why we are all here.

Fundamentally, one would think we had some huge disagreement tonight. Yet, in reality, I do not think there is a Member of this body who disagrees with the fundamental purpose that we are here tonight to do, and that is to try our darnedest to close the loophole in every way we possibly can in the existing laws that might allow some convicted felon to get ahold of a gun who could go out there and use that gun to kill one of our kids or grandkids.

That is what every one of us believes in who is here tonight. We may disagree over the product, over the nature or the style of it, but that is what we are here about, every one of the provisions. Each of us believes that his or her version is better for one reason or another. That is what we are here, all of us, are about.

Unfortunately, I think the amendment of the gentlewoman from New York (Mrs. MCCARTHY) goes too far. It is overly broad. It would turn gatherings of friends into gun shows. I do not think that is what she intends, but that is what I believe it would do.

It would turn neighborhood yard sales into gun shows, and I do not think that is what she intends, but I believe that is what it would do.

It would force gun promoters to really go out of business, I believe, because I do not think that they could comply with the kind of restrictions placed on them without becoming criminally liable. Therefore, I believe they would not continue to conduct gun shows.

So I want to close the loophole just as much as anyone else here does tonight. I have offered a bill that would do that, and an amendment has already been passed that I did not agree with that would modify that slightly, but the authors of that amendment want to close that loophole.

But I cannot agree with the amendment of the gentlewoman from New York (Mrs. MCCARTHY) tonight because I believe the McCarthy amendment would do more than close the loophole. It would close down gun shows. I believe it. So I urge a no vote on it. But I am with the gentlewoman, I am with everybody here to help our kids, and stop the killing that is going on in America, and close this loophole.

So, regretfully, I urge a no vote on the McCarthy amendment.

Mr. HOLT. Mr. Speaker, I rise in strong support of the McCarthy/Roukema/Blagojevich amendment, which matches the common sense gun control language sponsored in the Senate by my New Jersey colleague Senator FRANK LAUTENBERG.

Mr. Speaker, this debate is very simple. It's about keeping dangerous guns out of the hands of criminals and juveniles. And our choice tonight is equally clear: We can side with the NRA and the special interests, or we can vote to protect our children and our communities.

The recent tragedy at Columbine High School is a reminder that we must take strong action to keep firearms out of the hands of our children and criminals. All four guns used in that shooting were purchased at a gun show, making passage of the McCarthy Amendment more important than ever.

The McCarthy amendment would bring common sense reforms to the nation's 5,200 annual gun shows by simply imposing the same requirements on gun shows as are currently required at gun shops and sporting goods stores.

Hunters, sportsmen and law abiding gun owners have nothing to fear from this common sense measures. Criminals and gun traffickers do.

The McCarthy Amendment would ensure that thorough background checks are performed on every firearms purchaser by professional, licensed gun dealers so that juveniles and criminals can't acquire firearms at these events.

It would also require that sales records be maintained in the same way that they are at a gun store to help police trace weapons used in crimes. And it would give police the tools they need to enforce existing gun laws.

Mr. Speaker: Central New Jersey families are tired of a system so riddled with loopholes that it allows convicted felons, gang members and the seriously mentally ill to buy unlimited amount of weapons with no limits, no checks and no questions asked. We need to close the gunshow loophole.

Support the McCarthy Amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 235, not voting 6, as follows:

[Roll No. 235]

AYES—193

| | | |
|---|---|---|
| Abercrombie | Bereuter | Brady (PA) |
| Ackerman | Berkley | Brown (FL) |
| Allen | Berman | Brown (OH) |
| Andrews | Berry | Campbell |
| Baldacci | Bilbray | Capps |
| Baldwin | Blagojevich | Capuano |
| Barrett (WI) | Blumenauer | Cardin |
| Bateman | Boehlert | Castle |
| Becerra | Bonior | Clay |
| Bentsen | Borski | Clayton |

Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—235

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

□ 0123

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 235, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Part B of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. HYDE:

At the end of the bill, insert the following:

**TITLE ____—ASSAULT WEAPONS**

**SEC. ___1. SHORT TITLE.**

This title may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

**SEC. ___2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

**SEC. ___3. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.**

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

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

My amendment, Mr. Chairman, would prohibit the importation of large capacity ammunition feeding devices.

I am very pleased that the gentlewoman from California (Ms. LOFGREN) the gentleman from Massachusetts (Mr. MEEHAN) and the gentlewoman from Colorado (Ms. DEGETTE) have agreed to cosponsor my amendment.

A large capacity ammunition feeding device is defined in current law, that is 18 U.S.C. 921(a)(31), as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of or can readily be restored or converted to accept more than 10 rounds of ammunition.

We have all seen them before. They are deadly enhancements to any semiautomatic firearm because they permit the shooter to fire many rounds before reloading.

Current law prohibits the transfer or possession of large capacity ammunition feeding devices, such as clips and other types of magazines. But current law also provides a major exception. It permits the possession and transfer of any such device lawfully possessed on or before the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994. That is September 13, 1994.

The world is awash in high-capacity ammo clips manufactured before the effective date of the 1994 Act, and such devices have been approved for importation into the United States if importers submit evidence establishing that the devices were manufactured on or before September 13, 1994.

Our proposal would amend the definition of a ''large capacity ammunition feeding device'' to delete the language limiting the definition to devices manufactured after September 13, 1994. In addition, our amendment would add a provision making it unlawful for any person to import a large capacity ammunition feeding device.

Thus, all devices with the capacity of more than 10 rounds of ammunition would be subject to the restriction of the law. However, the proposal would retain the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment of the 1994 Act.

My guess is there are plenty of large capacity clips in this country today and they are legal and will remain

legal to possess and transfer. However, if over a period of time these large capacity clips break or wear out, gun owners can simply replace them with smaller capacity clips. It will never be necessary to throw a gun away for lack of a clip that will work in the gun.

We no longer live in a society where mass murder of the kind committed at Columbine High School is unthinkable. Unfortunately, the increasing frequency of mass shootings with weapons that can only be described as high-tech killing machines compels us to act now for the public good.

I urge support for this amendment.

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

Ms. DeGETTE. Mr. Chairman, I ask unanimous consent to manage the time in opposition to this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) will control 15 minutes.

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

Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary for offering this amendment, which is a bill that Senator FEINSTEIN and I have introduced in both the House and the Senate and have been working on since 1997.

My colleagues, this legislation bans the importation of high capacity magazine clips.

I would also like to thank my colleague from California and my colleague from Massachusetts for working so hard on this amendment with us.

□ 0130

In 1997, a decorated Denver police officer, Bruce Vander Jagt, was shot with a legally obtainable Chinese SKS assault rifle equipped with a 30-round magazine cartridge. Officer Vander Jagt was shot 15 times in the head, neck and torso by the rapid-fire capabilities of the assailant's weapon, combined with the multiple round cartridges. Numerous other police officers and citizens have been killed across the country because of the availability of these lawfully available, legal ammunition magazines. We cannot be sure whether Officer Vander Jagt would have survived if his assailant had had fewer rounds to fire, but what we can be sure of is that with a 30-round cartridge, death is almost surely going to happen and the only purpose of these cartridges is to kill human beings.

Although assault weapons account for about 1 percent of the guns in private hands, they were used in at least 13.1 percent of the 122 fatal law enforcement shootings that took place during a 21-month period in 1994 and 1995. Of those deaths, almost 20 involved high capacity magazines. The same type of high capacity magazines were used in Jonesboro, Arkansas and tragically they were used in Littleton, Colorado, just a few blocks from my district.

In 1994, Congress thought that it was banning the production of these large capacity assault style magazines or clips that allow these kind of shots. Unfortunately, the 1994 ban allowed the importation of these magazines to continue. That is why, 5 years later, even though we cannot make new cartridges, we still have a free flow of cartridges coming into this country from China, Russia and other Eastern European countries.

Next to me here, you see a recent advertisement from this country for magazines manufactured in Germany. Clearly, although Congress intended for these magazines to be gone from the marketplace by now, we continue to see them sold perfectly legally in gun shops across the country.

The Bureau of Alcohol, Tobacco and Firearms estimates that tens of millions of high capacity magazines have been approved for importation since 1994. Between March and July 1998, over 8 million of these magazines, some of them which hold 250 rounds of ammunition in one magazine, were approved for import. We must close this loophole.

There is no full explanation that will calm our consciences about why the two boys went on a killing spree in Colorado. And there is no guarantee by this amendment that something like this will never happen again. But these shooters in Colorado had multiple round ammunition cartridges. The security guard on detail at Columbine High School that day did not even have a chance against these two shooters, armed with semiassault weapons and multiple round cartridges.

Stopping this kind of ammunition, which only serves to kill human beings, is only a very small part of the solution. But it is an important part. We also need parents, teachers, coaches, ministers and Members of Congress to work with their communities to restore the social fabric that has held us together. But a common sense extension of a ban we thought we passed a few years ago is one way that we can give security to our schools, that we can give security to our parents and that we can give security to the police officers and their families all across this country.

Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I am happy to be here this evening while it is only 10:30 in California and to say that assault weapons equipped with high capacity clips containing multiple rounds of ammunition make it possible to shoot shot after shot in rapid succession to kill children in seconds. High capacity clips in Littleton, Colorado permitted two boys to mow down 13 classmates and their teacher.

In 1994, Congress addressed high capacity clips. I was not a Member of Congress then but the cosponsor of this amendment, the gentleman from Illinois (Mr. HYDE), was. He supported the 1994 ban on assault weapons and high capacity ammunition clips. If I had been here, I would have, too. While that had good effect here at home, high capacity ammunition clips continued to be imported from other countries. That is because of a loophole in the 1994 act. This amendment makes sure that the law will now succeed in doing what Congress intended to do in 1994.

From March to August of last year, more than 8 million large capacity clips were imported into the United States, each clip having a capacity of more than 10 rounds of ammunition, many with the capacity of 35 rounds, 75 rounds, 90 rounds, as high as 250 rounds. Why should Americans abide by a restricted law that foreign manufacturers may disregard? The clips that were imported over this 6-month period could have accommodated some 128 million rounds of ammunition. That is about a round of ammunition for every other American. That is a rather large loophole.

I ask each and every Member in this Chamber to look to the intent of the original ban in 1994 and the adverse impact this loophole had in Littleton and to the will of the American people. Then I ask that we cast our votes in support of this sensible amendment.

Ms. DEGETTE. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Colorado for her leadership, I thank the leadership of the gentleman from Illinois (Mr. HYDE) on this amendment along with the gentlewoman from California (Ms. LOFGREN) and the gentleman from Massachusetts (Mr. MEEHAN) and certainly to comment on the fact that this is an existing legislation of the gentlewoman from Colorado (Ms. DEGETTE) and Senator FEINSTEIN. We now have an opportunity this evening to be able to prohibit the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of large capacity ammunition feeding devices. Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill which was September 13, 1994. Devices manufactured after that date must be approved for import.

This provision amends the definition of large capacity ammunition feeding device to delete the limitation to devices manufactured after September 13, 1994. All devices with a capacity of more than 10 rounds will be subject to the restrictions of the law. The proposal would retain, however, the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment.

It is clearly a striking phenomenon to me that anyone would argue the

case that they would need multiple round ammunition. In Springfield, Oregon on May 21, 1998, Kip Kinkel, 15, walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting.

Mr. Chairman, it is interesting that there would be those who would argue that there is no need for this legislation inasmuch as who would be able to get such a clip and who would be able to use it violently and would they be a child under the age of 21 or 18?

On April 20, 1999 as we have so noted, Eric Harris, 18, and Dylan Klebold, 17, entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, and a TEC DC–9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns, 22, turned himself in for illegally selling the TEC DC–9, a multiple round ammunition.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand and a MAC 90 assault weapon and an M–14 semiautomatic assault rifle. The men who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car but nothing else could be done.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47s are made in Eastern Europe, Russia and China. Henry K. Lee arrested in Oakland sniper slaying.

In 1996 two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded 10 officers and two civilians.

□

Finally, in December 1988, before the assault weapons ban, a man used an AK–47 assault weapon to fire 144 rounds in 2 minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without reloading.

Mr. Chairman, I would ask, to ensure that we close a loophole that we failed to close just a few minutes ago, that we support this amendment, because I think each day we prolong this, we will be shocked by the number of children that, one, can get access to multiple round ammunition; but also, those who will die by multiple round ammunitions.

This amendment incorporates Senator FEINSTEIN'S amendment to the Senate juvenile justice bill. It prohibits the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of ''large capacity ammunition feeding devices.'' 18 U.S.C. §922(w). Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill, which was September 13, 1994—devices manufactured after that date must be approved for import.

This provision amends the definition of ''large capacity ammunition feeding device'' to delete the limitation to devices manufactured after September 13, 1994—all devices with a capacity of more than 10 rounds would be subject to the restrictions of the law. The proposal would retain, however, the existing ''grandfather'' exception in the law for devices lawfully possessed on or before the date of enactment.

In Springfield, Oregon, on May 21, 1998, Kip Kinkel (15) walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting spree.

On April 20, 1999, Eric Harris (18) and Dylan Klebold (17) entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, a TEC–DC9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns (22) turned himself in for illegally selling the TEC–DC9.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand, a MAC–90 assault rifle, and an M–14 semiautomatic assault rifle. The men, who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47's are made in Eastern Europe, Russia, and China.

In 1996, two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded ten officers and two civilians.

In December 1988, before the assault weapon ban, a man used an AK–47, assault rifle to fire 144 rounds in two minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without reloading.

Ms. DEGETTE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentlewoman from Colorado has 4 minutes remaining.

Ms. DEGETTE. Mr. Chairman, I yield myself the balance of the time remaining.

Mr. Chairman, by passing this amendment, we are taking a very important step toward keeping lethal weapons out of the hands of criminals and of children. There is no need for these magazine cartridges that carry dozens of bullets, the only purpose of which is to kill human beings and cause massive destruction. Congress was smart to ban their production 5 years ago, and it is now time to take the final step and close our borders to these killing machines. This is a vital, but only a part of the component to our comprehensive approach towards preventing youth violence by enacting moderate targeted child gun safety legislation.

As part of a more comprehensive package, banning multiple-round ammunition cartridges will work, but unless we close the gun show loophole and unless we pass child safety locks on guns, this passage will not be complete, and we cannot send the message to our American families that Congress is doing everything it can to keep their children safe in the streets and in their schools.

So I thank again the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), and I also thank my colleagues for working with me to pass this amendment, but only as part of a more comprehensive piece of legislation.

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

Mr. HYDE. Mr. Chairman, I associate myself with the remarks of the distinguished gentlewoman from Colorado. I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I did want to briefly note that my colleague, the gentleman from California (Mr. CAMPBELL) has an idea that we are not yet ready to pursue and that we hope we will have an opportunity tomorrow, if we are able, to perfect this idea by unanimous consent to pursue it if it works out. I did not want to neglect that. We do not need to go into it now, but we will work diligently tomorrow morning. I thank the chairman for the opportunity.

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

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in part B of House Report 106–186.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to offer the amendment on behalf of the gentleman from Illinois (Mr. HYDE).

The CHAIRMAN. The Chair would inform the gentlewoman that such a request is not in order. The rule provides that the amendment may be offered only by the gentleman from Illinois (Mr. HYDE) or his designee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have asked, and I thought I had the response, to be the designee, and I am getting a ''yes'' from the other side that I have been asked to be the designee.

The CHAIRMAN. The Chair is advised that the gentleman from Illinois has decided that Amendment No. 4 is not to be offered, and that he appoints no designee to offer the amendment.

It is now in order to consider Amendment No. 5.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I see the gentleman has

walked off the floor of the House. It was my understanding, and I was told, that there was such designation made, and so my parliamentary inquiry is, who has withdrawn the designation? The Chair's response was there was no designee. I am here as a designee.

The CHAIRMAN. The Chair was relayed a message from the gentleman from Illinois that he chose not to offer the amendment and has no designee to offer the amendment.

It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, at this time I would appeal the ruling of the Chair on the basis of whether or not I was so designated. The gentleman from Illinois is not here. This is an amendment dealing with guns in the hands of children, and I cannot imagine why the designation has been withdrawn.

The CHAIRMAN. The Chair would inform the gentlewoman that questions of recognition are not appealable.

Ms. JACKSON-LEE of Texas. I thank the Chairman for his ruling. I am disappointed in not being able to discuss an amendment that would impact the lives of our children.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. MCCOLLUM:

At the end of the bill, insert the following:

**SEC. ___. PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.**

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) by striking paragraph (3) and inserting the following:

''(3) This subsection shall not apply to—

''(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

''(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice,

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm;

''(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

''(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.''.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Florida (Mr. MCCOLLUM) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

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

I think one of the things that we can all agree upon is that all Members here want to take reasonable steps to ensure the safety of our young people in the communities in which they live, play, and go to school. Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective; however, I know that we all agree that we are correctly focused on this objective today.

Mr. Chairman, under current law, juveniles are prohibited from possessing handguns except in limited situations where they are under adult supervision. But existing law does not prohibit juveniles from possessing semiautomatic assault weapons, whether there is an adult to supervise or not.

This is wrong. Limited, unfettered juvenile possession of semiautomatic assault weapons will help ensure that parents and children are free from the fear that these types of weapons will show up in school or on the playground or in the hands of other children.

Mr. Chairman, the amendment I offer today will prohibit juveniles from processing semiautomatic assault weapons and large-capacity ammunition clips. It will only permit juveniles to possess these weapons and clips under adult supervision under limited context, such as in connection with employment, ranching, or farming activities; for target practice, for courses of instruction in the proper use of firearms, and like activities.

My amendment also creates an exception for juveniles who serve in the

military, for use of such a weapon in self-defense, or for taking legal title, but not physical possession, of the weapon through inheritance. These exceptions are those that apply under the current law to the prohibition on juveniles possessing handguns.

Mr. Chairman, I believe it is reasonable to prohibit juveniles from possessing these weapons. My amendment does just that. My amendment will make our young people safer, it will make our schools safer, it will make a lot of people feel a lot more comfortable.

Again, I want to remind my colleagues that Congress needs to do everything possible to protect our finest resource, America's young people. I believe that this amendment strikes the right balance, and I urge my colleagues to adopt it and join me in passing it.

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

□ 0150

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 15 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very much concerned as we move through this process that there will be elements where we could come together in a bipartisan manner that we might not utilize.

This amendment, however, is important. I thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) for offering this amendment, as would have many Democrats who would have joined in the offering of such amendment because it is important to keep the semi-automatic assault weapons out of the hands of children.

This amendment would make it unlawful for juveniles under the age of 18 to possess semi-automatic assault weapons and large-capacity feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

We need not be reminded of the horror and damage that automatic weapons, assault weapons, can cause. In fact, one of the most important acts of this Congress was the ban on assault weapons.

I support this amendment, and I am glad that it has been offered. I hope, as well, that we will be able to come together in supporting the Democratic substitute. It is well known that the automatic weapons have no purpose, if you will, in the hands of children.

A Virginia inmate survey showed that 20 percent of juvenile offenders had possessed an assault rifle and 1 percent carried it at the scene of a crime.

A Shelley and Wright survey showed that 35 percent of juvenile offenders owned automatic or semi-automatic rifles just prior to commitment.

One gun used in the Littleton, Colorado massacre was apparently a TEC–9, an infamous assault weapon. How often have we heard from the parents of that community, asking us to do something? So many of us tonight wear a ribbon in their memory.

Two of these TEC–9 semi-automatic assault weapons were also used in the 1993 massacre at a San Francisco law firm in which eight people died and six were wounded.

Byrl Phillips Taylor testified before the Committee on the Judiciary in May. These are her own words about the shooting of her son by a classmate with a semi-automatic assault weapon.

> Ten years ago my son Scott had just graduated from high school. He was about to start Virginia Tech college, and to put it simply, he was the light of my life and my best friend. Scott was the son that every mother wants, popular, good at school, always good-humored, never in trouble.
>
> But there was a boy in his school that didn't like him. During the summer this boy found where Scott was working and got a job there. He lured Scott into the woods and shot him six times with an AK–47 assault rifle that was taken from an unlocked gun storage shed. The first shot was in the back and the last was an execution style shot to the head. Scott Phillips didn't have a chance.

I cannot say it any better, Mr. Chairman. I say to those who have called so many of my colleagues' telephones and E-mailed and faxed, I say in particular to the National Rifle Association that I think reasonable men and women can stand together on behalf of Byrl Phillips Taylor's son, who died at the hands of an assault weapon, a semi-automatic assault weapon.

Her son is one of the many children that have suffered at the hands of these guns. I think it is extremely important that we make a statement tonight that is effective and that is important that children under the age of 18 not be able to have access to these guns. This will increase, I think, the ability for us to save lives, and I would hope my colleagues would consider this in their deliberations.

In fact, Mr. Chairman, I hope they consider the pages and pages and pages of children who have died at the hands of guns.

Mr. Chairman, this amendment would make it unlawful for juveniles (under the age of 18) to possess semiautomatic assault weapons a large capacity ammunition feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

I support this amendment. I am glad that the gentleman from Illinois supports this provision from the Senate bill and I hope he will support the rest of the Senate bill by voting for the Democratic substitute.

A Virginia inmate survey showed that 20% of juvenile offenders had possessed an assault rifle and 1% carried it at the scene of the crime. A Shelley and Wright survey showed that 35% of juvenile offenders owned an automatic or semiautomatic rifle just prior to comment. Bureau of Justice Statistics, U.S. Dept. of Justice, Guns Used in Crime 6 (July 1995).

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I can't say it better. Let's pass this amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think an effort to remove the lawful ability of juveniles to possess assault weapons is an important thing for this Congress to do. I think that it is a very strange world we live in where a 17-year-old cannot vote, cannot go drink a beer, but can have an assault weapon. That to me does not make any kind of sense at all.

So when I saw this amendment being offered, the title of the amendment, I was very enthused about the opportunity. However, I must confess that I oppose the amendment as it is drafted, because as one reads through this amendment, the loopholes included are large enough to drive a truckload of assault weapons right through them.

If Members look at page 2, line 6, the subsection outlawing assault weapons, semi-automatic assault weapons, as well as large-capacity ammunition feeding devices, does not apply in a whole series of sections.

One is in the course of employment, and that is not defined, but tell me what kind of employment requires a 16-year-old to use and possess an assault weapon?

Further, there is a specific delineation that it is legal for a juvenile, anyone under 18, so I guess this could be 9, 7, 8, it is not clear, to possess an assault weapon in the course of ranching or farming.

I know there are kids in my district who ranch, who have to have rifles. There are rattlesnakes and there are wild boar out in those hills. I understand that the ranchers need to have arms to be protected. I do not object to that in any fashion whatsoever.

However, I do not know of a situation where little kids need to have assault weapons because their family has a farm.

Further, if the child wants to use an assault weapon for target practice, hunting, or several other things, then it is lawful for them to have the assault weapon. I do not think this is control of assault weapons.

I do not think that the provisions of this act will do anything effective to prevent juveniles from owning and possessing assault weapons. I think that is a shame. Therefore, I would urge my colleagues to oppose this amendment. I think that if anything, it goes in the opposite direction and specifically authorizes children to possess assault weapons. I think that is a preposterous situation, and would urge opposition.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, earlier this evening we heard the gentlewoman from New York (Mrs. MCCARTHY) in a very eloquent entreaty to this House asking us to do something right. But she also said something else to us, that this is not the end, it is only the beginning. We are not finished, there is much more to be done.

That amendment on gun show loopholes was, unfortunately, not passed. This amendment in fact could go further. It is well known that much of the crime in the use of guns falls between the ages of 18 to 20. A recent report issued by the Department of the Treasury and the Justice Department shows that persons in the age group of 18 to 20 account for the highest number of gun homicides, the highest rate of gun use and nonlethal gun crimes, and the highest number of crime gun possessors when compared to other age groups.

The report concludes that the high rate of gun crime in the 18 to 20 age group is linked with easy access to firearms. Prohibiting the ownership of automatic assault weapons and guns with automatic feeding devices for persons under 21 will help reduce gun crimes committed by persons in the age group 18 to 20.

We have just begun. There is a lot more work that could be done on this. In fact, Mr. Chairman, I would argue that the amendments that Democrats had that were not made in order would have made this whole discussion and the remedies much better. The amendment that I had to prohibit young people from going into gun shows without adults was not allowed.

But since we have to start somewhere, I believe it is important that we join and support this amendment that prohibits juvenile possession of semiautomatic assault weapons for individuals under the age of 18.

□ 0200

Maybe my colleagues will see the value of their work and move it up to ages higher than that. Maybe they will see the value of their work and close the loopholes that have been noted by my colleague from California, but at this time I would ask my colleagues to join me in supporting this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I will not consume very much.

Mr. Chairman, I just want to recapitulate what this amendment is about. It is a very straightforward, very simple amendment. There are not any loopholes in it, with all due respect to my colleagues who may think there are.

It deals with conforming the law with respect to these long guns that are labeled under the law, whatever one's views on whether they should be or not, assault weapons, with the laws that exist today with respect to juveniles and handguns.

The reality is that the law a few years ago defines assault weapons made and imported and whatnot after a certain year, I think it was 1994, for everybody. But for those that existed and do exist pre-1994, I think, or the year in which that ban occurred, there is still a lawful possession of those weapons for any of those that anybody may have owned.

Yet, there is a loophole that exists in current law with regard to minors. They are allowed to possess these weapons. So consequently, it is my desire and what this amendment does I think pretty clearly is make it clear that there is going to be, if this is adopted, absolutely no opportunity for youngsters to possess, use or otherwise have in their possession any of these pre-1994 pre-banned weapons that may be around, unless there is the same adult supervision or under the same conditions that that youngster might possess a handgun.

Those are very restrictive conditions under the current law on handguns.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, for yielding.

Mr. Chairman, when I found the amendment I did go read through the statutory scheme and I could see very clearly that the gentleman was conforming this amendment to the scheme that he has just referenced.

The question I have is whether or not assault weapons should not be treated a little bit differently than rifles? And as I mentioned earlier, 17-year-olds out on the ranch out in the Mount Hamilton range where the wild boars and rattlesnakes are, and they are out in the pickup trucks with the cattle with the rifle, and to me that is a lot different than having a semiautomatic assault weapon.

So the question is, did the gentleman mean to make assault weapons really in the same posture and standing as rifles on the farm?

Mr. MCCOLLUM. Mr. Chairman, if I could reclaim my time, I would simply say to the gentlewoman that a regular rifle that does not fit this definition, even after this amendment is passed and under current law, can be possessed by a juvenile without the same restrictions that there are on handguns. The law is not going to change with regard to that. With regard to these peculiar weapons, the adult supervision will be required. Maybe the gentlewoman, as she says, thinks the child should not be able to possess this peculiar set of weapons even if there is adult supervision. I understand that concern. However, we could redebate, I suppose, that old assault weapon debate all over again.

My point, if I could just make the point, is that all of these weapons that we are talking about, all this category of rifles have the same functional characteristics, the same firepower, the same killing power, whatever we want to call it, whatever we label them. It is just that this particular category of weapon has been perceived by some having characteristics of a certain type of stock and so forth to not be one that certainly children should have in their possession, because they are glamorized so much by so many people who use these weapons in very bad ways.

So I think that the gentlewoman and I probably agree on one point, and that is that children, certainly without supervision, should not be touching these weapons, but I think the gentlewoman would just like to go further than I do in some manner in this amendment, but I would not think the gentlewoman would have any problem with the amendment because I can assure her that the amendment does not in any way create additional loopholes to current law. It is just restrictive. It is not in any way expansive.

I simply want to be sure, if we have a disagreement, we understand what we are disagreeing over.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think we do disagree, but if the gentleman's point is that right now children can lawfully possess assault weapons, without any restrictions and therefore this is better because they can have assault weapons if they are farmers or if they are employed they could have an assault weapon, is that essentially the point that the gentleman is making?

Mr. MCCOLLUM. That is the point I am making. They can have these weapons under the conditions that they could have a handgun. That is my point.

Ms. LOFGREN. Mr. Chairman, then I do object.

Mr. MCCOLLUM. There is absolutely no restriction right now whatsoever.

Ms. LOFGREN. We do very much disagree, and I thank the gentleman for yielding for this question.

Mr. MCCOLLUM. Mr. Chairman, I think the point is well made and I think the bill is very self-explanatory.

It is restrictive. It does restrict the availability of these weapons very severely from current law for young people. Maybe we ought to go further than the amendment goes even, but it nonetheless is a very restrictive amendment and that is the purpose of offering it.

With that, I urge the adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) will be postponed.

Mr. MCCOLLUM. 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. BARR of Georgia) having resumed the chair, Mr. THORNBERRY, 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. 2122) to require background checks at gun shows, and for other purposes, had come to no resolution thereon.

## STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 1999 AND FOR THE 5-YEAR PERIOD FISCAL YEAR 1999 THROUGH FISCAL YEAR 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 16, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD on March 3, 1999, pursuant to Section 2 of H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the ''section 302(a)'' allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised ''section 302(b)'' sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

Enclosures.

### REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEAR 1999 AND FOR FISCAL YEARS 1999 TO 2003—REFLECTING ACTION COMPLETED AS OF JUNE 16, 1999

[On-budget amounts, in millions of dollars]

| | Fiscal year | |
|---|---|---|
| | 1999 | 1999–2003 |
| Appropriate level (as authorized by H. Res. 5): | | |
| Budget authority | 1,456,578 | (1) |
| Outlays | 1,396,441 | (1) |
| Revenues | 1,368,374 | 7,284,605 |
| Current level: | | |
| Budget authority | 1,455,743 | (1) |
| Outlays | 1,396,751 | (1) |
| Revenues | 1,368,401 | 7,284,615 |
| Current level over (+)/under (−) appropriate level: | | |
| Budget authority | −835 | (1) |
| Outlays | 310 | (1) |
| Revenues | 27 | 10 |

[1] Not applicable because annual appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

Budget Authority—Enactment of any measure providing new budget authority for FY 1999 in excess of $835 million (if not already included in the current level estimate) would cause FY 1999 budget authority to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Outlays—Enactment of any measure providing new outlays for FY 1999 (if not already included in the current level estimate) would cause FY 1999 outlays to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Revenues—Enactment of any measure that would result in any revenue loss for FY 1999 greater than of $27 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Enactment of any measure resulting in any revenue loss for FY 1999 through 2003 greater than $10 million (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

### DIRECT SPENDING LEGISLATION—Comparison of Current Level with Committee Allocations Pursuant to Budget Act Section 602(a) Reflecting Action completed as of June 16, 1999

[Fiscal Years, in millions of dollars]

| House Committee | 1999 | | 1999–2003 | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Agriculture: | | | | |
| Allocation | ..... | ..... | 28,328 | 27,801 |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | (28,328) | (27,801) |
| Armed Services: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Banking and Financial Service: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Education & the Workforce: | | | | |
| Allocation | ..... | ..... | 610 | 367 |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | (610) | (367) |
| Commerce: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| International Relations: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Government Reform & Oversight: | | | | |
| Allocation | ..... | ..... | 14 | 14 |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | (14) | (14) |
| House Administration: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Resources: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Judiciary: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Transportation & Infrastructure: | | | | |
| Allocation | 1,205 | ..... | ..... | 10,845 |
| Current level | 845 | ..... | ..... | 845 |
| Difference | (360) | ..... | ..... | (10,000) |
| Science: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Small Business: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Veterans' Affairs: | | | | |
| Allocation | ..... | ..... | 4,503 | 4,342 |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | (4,503) | (4,342) |
| Ways and Means: | | | | |
| Allocation | ..... | ..... | 19,551 | 17,310 |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | (19,551) | (17,310) |
| Select Committee on Intelligence: | | | | |
| Allocation | ..... | ..... | ..... | ..... |
| Current level | ..... | ..... | ..... | ..... |
| Difference | ..... | ..... | ..... | ..... |
| Total Authorized: | | | | |
| Allocation | 1,205 | ..... | 63,851 | 49,834 |
| Current level | 845 | ..... | 845 | ..... |
| Difference | (360) | ..... | (63,006) | (49,834) |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

| | Revised 302(b) suballocations | | | | Current level reflecting action completed as of June 16, 1999 | | | | Difference | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Discretionary | | Mandatory | | Discretionary | | Mandatory | | Discretionary | | Mandatory | |
| | BA | O | BA | O | BA | O | BA | O | BA | O | BA | O |
| Agriculture, Rural Development | 19,730 | 19,888 | 40,400 | 32,167 | 20,309 | 20,182 | 40,400 | 32,167 | 579 | 294 | 0 | 0 |
| Commerce, Justice, State | 34,811 | 32,151 | 561 | 568 | 34,927 | 32,181 | 561 | 568 | 116 | 30 | 0 | 0 |
| National Defense | 267,454 | 251,804 | 202 | 202 | 266,479 | 251,601 | 202 | 202 | (975) | (203) | 0 | 0 |
| District of Columbia | 620 | 359 | 0 | 0 | 620 | 619 | 0 | 0 | 0 | 260 | 0 | 0 |
| Energy & Water Development | 21,546 | 21,173 | 0 | 0 | 21,698 | 21,254 | 0 | 0 | 152 | 81 | 0 | 0 |
| Foreign Operations | 32,156 | 13,270 | 45 | 45 | 33,239 | 13,325 | 45 | 45 | 1,083 | 55 | 0 | 0 |
| Interior | 14,092 | 14,339 | 60 | 60 | 14,132 | 14,347 | 60 | 60 | 40 | 8 | 0 | 0 |
| Labor, HHS & Education | 83,767 | 82,550 | 215,343 | 215,464 | 83,865 | 82,582 | 215,343 | 215,464 | 98 | 32 | 0 | 0 |
| Legislative Branch | 2,565 | 2,365 | 92 | 92 | 2,565 | 2,362 | 92 | 92 | 0 | (3) | 0 | 0 |
| Military Construction | 9,731 | 9,174 | 0 | 0 | 9,135 | 9,156 | 0 | 0 | (596) | (18) | 0 | 0 |
| Transportation | 12,335 | 40,261 | 682 | 678 | 12,538 | 40,278 | 682 | 678 | 203 | 17 | 0 | 0 |
| Treasury-Postal Service | 16,108 | 14,373 | 13,561 | 13,599 | 16,112 | 14,375 | 13,561 | 13,599 | 4 | 2 | 0 | 0 |
| VA-HUD-Independent Agencies | 71,311 | 80,507 | 20,812 | 20,593 | 71,861 | 80,507 | 20,812 | 20,593 | 550 | 0 | 0 | 0 |
| Reserve/Offsets | (1,384) | (2,400) | 0 | 0 | (2,400) | (2,400) | 0 | 0 | (1,016) | 0 | 0 | 0 |
| Unassigned [1] | 713 | 245 | 0 | 0 | 0 | 0 | 0 | 0 | (713) | (245) | | |
| Grand total | 585,555 | 580,059 | 291,758 | 283,468 | 585,080 | 580,369 | 291,758 | 283,468 | (475) | 310 | 0 | 0 |

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions]

| | Defense | | Nondefense | | Violent Crime Trust Fund | | Highway Category | | Mass Transit Category | |
|---|---|---|---|---|---|---|---|---|---|---|
| | BA | O | BA | O | BA | O | BA | O | BA | O |
| Statutory Caps [1] | 289,337 | 274,701 | 291,257 | 275,773 | 5,800 | 4,953 | [2] | 21,991 | [2] | 4,401 |
| Current Level | 289,141 | 273,746 | 289,943 | 275,330 | 5,796 | 4,950 | 200 | 21,939 | 1,138 | 4,404 |
| Difference (Current Level-Caps) | −196 | −955 | −1,314 | −443 | −4 | −3 | [2] | −52 | [2] | 3 |

[1] As adjusted pursuant to sec 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.
[2] Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 16, 1999.*

Hon. JOHN KASICH, CHAIRMAN,
*Committee on the Budget,*
*U.S. House of Representatives,*
*Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget ACt, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through June 15, 1999.

Sicne my last report, dated March 18, 1999, the Congress has enacted and the President has signed the 1999 Emergency Supplemental Appropriations Act (P.L. 106–31) and the 1999 Interim Federal Aviation Administration Authorization Act (P.L. 106–6). The Congress has also cleared for the President's signature the 1999 Miscellaneous Trade and Technical Corrections Act (H.R. 435). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, *Director*).

PARLIAMENTARIAN STATUS REPORT—FISCAL YEAR 1999 ON-BUDGET HOUSE CURRENT LEVEL AS OF CLOSE OF BUSINESS, JUNE 15, 1999

[In millions of dollars]

| | Budget authority | Outlays | Revenue |
|---|---|---|---|
| Enacted in previous sessions: | | | |
| Revenue | | | 1,368,396 |
| Permanents and other spending legislation | 913,530 | 867,389 | |
| Appropriation legislation | 820,578 | 812,799 | |
| Offsetting receipts | −294,953 | −294,953 | |
| Total, previously enacted | 1,439,155 | 1,385,235 | 1,368,396 |
| Enacted this session: | | | |
| 1999 Emergency Supplemental Appropriations and Rescissions Act (P.L. 106–31) | 11,676 | 3,677 | |
| Federal Aviation Administration Authorization Act (P.L. 106–6) | 402 | | |
| Total, enacted this session | 12,078 | 3,677 | |
| Pending Signature: | | | |
| Miscellaneous Trade and Technical Corrections Act (H.R. 435 | | | 5 |
| Entitlements and Mandatories: | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 5,648 | 7,839 | |
| Totals: | | | |
| House Current Level | 1,455,743 | 1,396,751 | 1,368,401 |
| House Budget Resolution (1) (2) | 1,456,578 | 1,396,441 | 1,368,374 |
| Amount Remaining: | | | |
| Under Budget Resolution | −835 | | |
| Over Budget Resolution | | 310 | 27 |
| Addendum: | | | |
| Revenues, 1999–2003: | | | |
| House Current Level | | | 7,284,615 |
| House Budget Resolution | | | 7,284,605 |
| Amount Current Level Over Resolution | | | 10 |

(a) [1] For comparability purposes, current level budget authority excludes $1,138 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act of 1974, is not included in the House Resolution 5. Total budget authority including mass transit is $1,456,881 million.
(b) [2] Estimates include $34,226 million in budget authority and $16,802 million for the funding of emergency requirements.

Source.—Congressional Budget Office.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAYS (at the request of Mr. ARMEY) from 3 p.m. to 9:30 p.m. today on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, on June 23.

Mr. LATOURETTE, for 5 minutes each day, on today and June 18.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today

Mr. MILLER of Florida, for 5 minutes, on June 22

Mr. KASICH, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 361. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Resources.

S. 449. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Resources.

## ADJOURNMENT

Mr. THORNBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes a.m.), the House adjourned until today, June 18, 1999, 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:

2650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP–300828; FRL–6072–6] (RIN: 2070–AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP–300825; FRL–6070–6] (RIN: 2070–AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2652. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe: Cellulase Enzyme Preparation Derived From Trichoderma Longibrachiatum for Use in Processing Food [Docket No. 79G–0372] received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Incorporation of Montreal Protocol Adjustment for a 1999 Interim Reduction in Class I, Group VI Controlled Substances [FRL–6351–6] (RIN: 2060–AI24) received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [SD–001–0003a and SD–001–0004a; FRL–6351–8] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2655. 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, Nevada State Implementation Plan Revision, Clark County [NV—034–0016; FRL–6350–5] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Harris County [TX83–1–7340a; FRL–6349–9] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2657. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Incorporate solicitation notice for Agency protests [FRL–6320–1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas; Final Full Program Adequacy Determination of State Municipal Solid Waste Permit Program [SW-FLR–6319–5] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2659. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule— Exemptions of the Securities of the Kingdom of Sweden under the Securities Exchange Act of 1934 for the Purposes of Trading Futures Contracts on Those Securities [Release No. 34–41453, International Series Release No. 1198, File No. S7–4–99] (RIN: 3235–AH68) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2660. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a series of reports in accordance with Section 36(a) of the Arms Export Conrol Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2661. A letter from the Director, Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting the Department's final rule—Market Development Cooperator Program [Docket No. 970424097–9097–04] (RIN: 0625–ZA05] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2662. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—OSD Privacy Program—received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2663. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA–125–FOR] received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2664. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Group-Term Insurance; Uniform Premiums [TD 8821] (RIN:1545–AN54) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa; with an amendment (Rept. 106–19, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 791. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; with an amendment (Rept. 106–189). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Banking and Financial Services discharged. H.R. 434 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. LEVIN, Mr. RAMSTAD,Mr. MATSUI, Ms. DUNN, Mr. LEWIS of Kentucky, Mr. BOEHLERT, Mr. CANNON, Mr. COOK, Mrs. NORTHUP, Mr. BILBRAY, Mr. MARKEY, Mr. BECERRA, and Mr. MCINNIS):

H.R. 2252. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 2253. A bill to amend the Endangered Species Act of 1973 to prohibit the use under that Act of any item or information obtained by trespassing on privately owned property, or otherwise taken from privately owned property without the consent of the owner of the property; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 2254. A bill to amend the trade adjustment assistance provisions of the Trade Act of 1974 to allow the reimbursement of training costs incurred and for which payment became due within 30 days before the training is approved by the Secretary of Labor; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. HINCHEY, Mr. TIERNEY,

Mr. ALLEN, Mr. LUTHER, Mr. BONIOR, and Mr. FARR of California):

H.R. 2255. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses bydisallowing tax benefits claimed to arise from transactions without substantial economic substance;to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 2256. A bill to designate the San Antonio International Airport in San Antonio, Texas, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the Customs Service; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STRICKLAND, Mr. BARRETT of Wisconsin, Mr. PALLONE, Mr. STUPAK, Mr. TOWNS, Mrs. CAPPS, Ms. DEGETTE, Mr. DEUTSCH, Ms. ESHOO, and Mr. HALL of Texas):

H.R. 2257. A bill to provide for a 1-year moratorium on the disclosure of certain submissions under section 112(r) of the Clean Air Act to provide for the reporting of certain site security information to the Congress, and forother purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, 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. GUTIERREZ (for himself, Mr. VENTO, Mr. KUCINICH, Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CHRISTENSEN):

H.R. 2258. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHOWS,Mr. ABERCROMBIE, Mr. HILLIARD, and Mr. SERRANO):

H.R. 2259. A bill to amend the Internal Revenue Code of 1986 to expand the dependent care credit; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. STUPAK, Mr. ADERHOLT, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mr. COBURN, Mr. COLLINS, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. EMERSON, Mr. EVERETT, Mr. FOSSELLA, Mr. GRAHAM, Mr. GOODE, Mr. GOODLATTE, Mr. HALL of Texas, Mr. HAYES, Mr. HERGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. ISTOOK, Mr. JOHN, Mr. KING, Mr. KNOLLENBERG, Mr. LAFALCE, Mr. LAHOOD, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCINTYRE, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NUSSLE, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. PHELPS, Mr. PICKERING, Mr. PITTS, Mr. PORTMAN, Mr. RAHALL, Mr. ROGAN, Mr. ROGERS, Mr. SALMON, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHOWS, Mr. SKELTON, Mr. SMITH of Texas, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. WALSH, Mr. WAMP, and Mr. WELDON of Florida):

H.R. 2260. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case forconsideration of such provisions as fall within thejurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. PETERSON of Pennsylvania):

H.R. 2261. A bill to amend the Internal Revenue Code of 1986 to provide incentives for health coverage;to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, Mr. SHAYS, and Mr. MALONEY of Connecticut):

H.R. 2262. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the cost of demolishing structures other than certified historic structures and other than historically residential structures; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, and Mr. MALONEY of Connecticut):

H.R. 2263. A bill to amend the Internal Revenue Code of 1986 to encourage contributions by individuals of capital gain real property for conservation purposes, to encourage qualified conservation contributions, and to modify the rules governing the estate tax exclusion for land subject to aqualified conservation easement; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, Mr. SHAYS, and Mr. MALONEY of Connecticut):

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to extend the expensing of environmental remediation costs to contaminated sites located outside of targeted areas; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. ENGLISH, Mr. WAXMAN, Mr. COYNE, Mr. MCGOVERN, Ms. KILPATRICK, Mr. BALDACCI, Mr. FROST, Mr. REYES, Mr. EVANS, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. GEJDENSON, Mr. POMEROY, Mr. KENNEDY of Rhode Island, Mr. PALLONE, and Mr. HINCHEY):

H.R. 2265. A bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. QUINN):

H.R. 2266. A bill to amend title XVIII of the Social Security Act to increase certain payment amounts made to hospitals furnishing services under the Medicare Program; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. SCHAFFER, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. BARRETT of Wisconsin, Mr. KIND, Mr. WHITFIELD, Mr. POMBO, Mr. BEREUTER, and Mr. VENTO):

H.R. 2267. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes;to the Committee on Resources.

By Mr. MCINNIS (for himself, Mr. NUSSLE, Mr. HERGER, Mr. RAMSTAD, and Mr. UDALL of Colorado):

H.R. 2268. A bill to amend title XVIII of the Social Security Act to assure that Medicare beneficiaries have continued access under current contracts tomanaged health care through the Medicare cost contract 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 forconsideration of such provisions as fall within thejurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. ROHRABACHER, Mr. LEACH, Ms. RIVERS, Mr. PASCRELL, Mr. BONIOR, Mr. MEEHAN, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. PORTER, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. UNDERWOOD, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. MARKEY, Mr. WAXMAN, Mr. CONYERS, Mr. BARRETT of Wisconsin, Mr. DIXON, Mr. STARK, Mr. BROWN of Ohio, Mrs. MORELLA, Mr. WYNN, Mr. LANTOS, Ms. WOOLSEY, Mr. NADLER, Mr. TIERNEY, Mr. CAMPBELL, Mr. ALLEN, Mr. MOAKLEY, Mr. LUTHER, Mr. FARR of California, Mr. ENGEL, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. HINCHEY, Mr. DEFAZIO, Ms. NORTON, Mr. BLUMENAUER, Mr. ANDREWS, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. MINGE, Mr. FATTAH, Mr. DOYLE, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. OBERSTAR, Mr. LOBIONDO, Mr. KUCINICH, Mr. EVANS, Mr. CLAY, Mr. WATT of North Carolina, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. BROWN of California, Mr. TOWNS, Ms. HOOLEY of Oregon, Mr. KILDEE, Mr. CARDIN, Mr. BERMAN, Mr. CLYBURN, and Ms. LEE):

H.R. 2269. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms;to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. MATSUI):

H.R. 2270. A bill to amend the Internal Revenue Code of 1986 to reform the interest allocation rules; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 2271. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. SCARBOROUGH, and Mr. CUNNINGHAM):

H.R. 2272. A bill to ensure the equitable treatment of graduates of the Uniformed Services University of the Health Sciences of the Class of 1987; to the Committee on Armed Services.

By Mr. TALENT (for himself and Mr. ENGLISH):

H.R. 2273. A bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2274. A bill to provide for the transfer of 10 percent of a State's apportionment of certain highway funds to the State's highway safety apportionment if the State does not suspend the driver's license of individuals under the age of 21 convicted of driving while under the influence of alcohol;to the Committee on Transportation and Infrastructure.

By Mr. FLETCHER (for himself, Mr. NORWOOD, and Mr. MCKEON):

H.R. 2275. A bill to amend title I of the Employee Retirement Income Security Act to ensure choice of physicians; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States prohibiting courts from levying or increasing taxes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.J. Res. 60. A joint resolution designating the square dance as the national folk dance of the United States;to the Committee on Government Reform.

By Ms. WOOLSEY:

H. Con. Res. 136.Concurrent resolution expressing the sense of the Congress relating to the timely distribution of payments to local educational agencies under theImpact Aid program; to the Committee on Education and the Workforce.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

115. The SPEAKER presented a memorial of the Senate of the State ofHawaii, relative to Senate Resolution No. 17 memorializing the appropriate federal agencies to amend federal acquisition regulations to incorporatelanguage in President Clinton's June 5, 1997, Memorandum encouraging the use of project labor agreements in federal construction contracts; to the Committee on Education and the Workforce.

116. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 69 memorializing the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalities of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989; to the Committee on Commerce.

117. Also, a memorial of the Legislature of the State of Colorado, relative to Senate Joint Resolution 99–027 memorializing the United States Congress to introduce and pass legislation to strengthen the oversight power and theauthority of the Postal Rate Commission; to the Committee on GovernmentReform.

118. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 99–32 memorializing the Congress of the United States to pass the Post-Census Local Review legislation, H.R. 472; to the Committee on Government Reform.

119. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial 99–004 memorializing the United StatesCongress to repeal the Federal Unified Gift and Estate Tax; to the Committee on Ways and Means.

120. Also, a memorial of the House of Representatives of the State ofMichigan, relative to House Concurrent Resolution No. 26 memorializing the Congress of the United States to Enact Legislation to Affirm the Regulation of Insurance Matters By the States; jointly to the Committees on Commerce and Banking and Financial Services.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISAKSON introduced a bill (H.R. 2276) to provide for the liquidation or reliquidation of certain entries of antifriction bearings; which was referred to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. QUINN, Mr. ACKERMAN, and Mr. SWEENEY.

H.R. 25: Mrs. ROUKEMA and Mr. RANGEL.

H.R. 26: Mr. MENENDEZ, Mr. SMITH of Washington, and Ms. MCKINNEY.

H.R. 49: Mr. ENGEL.

H.R. 184: Mr. UNDERWOOD.

H.R. 363: Mr. BALDACCI.

H.R. 372: Mr. PAUL and Mr. PASTOR.

H.R. 528: Mr. BENTSEN.

H.R. 541: Mr. RUSH and Mr. DEUTSCH.

H.R. 583: Mr. MOAKLEY, Mr. FILNER, and Mr. FATTAH.

H.R. 614: Mr. KUYKENDALL.

H.R. 623: Mr. TAYLOR of North Carolina.

H.R. 732: Mr. LANTOS and Mr. KIND.

H.R. 773: Mr. LUCAS of Oklahoma and Mr. LIPINSKI.

H.R. 852: Mr. EHLERS, Mr. PASTOR, and Mr. CANADY of Florida.

H.R. 875: Mr. ROMERO-BARCELÓ and Mr. SHAYS.

H.R. 922: Mrs. EMERSON and Mr. RUSH.

H.R. 993: Mr. SMITH of Washington.

H.R. 1046: Mr. UDALL of New Mexico.

H.R. 1071: Ms. DANNER.

H.R. 1102: Mr. SIMPSON, Mr. TRAFICANT, Mr. RODRIGUEZ, Mr. LAFALCE, and Ms. LEE.

H.R. 1111: Mr. UNDERWOOD and Ms. LEE.

H.R. 1130: Mr. JEFFERSON, Mr. HOYER, and Mr. MENENDEZ.

H.R. 1182: Mr. TERRY.

H.R. 1202: Mr. CLYBURN, Mr. NADLER, Mr. LARSON, and Mr. MEEHAN.

H.R. 1221: Mr. LAFALCE.

H.R. 1228: Mr. GORDON, Mr. BRADY of Pennsylvania, Mr. MARTINEZ, and Mr. GREEN of Texas.

H.R. 1239: Mr. KENNEDY of Rhode Island, Mr. CLYBURN, Ms. BERKLEY, and Ms. MILLENDER-MCDONALD.

H.R. 1247: Mr. PICKERING, Mr. REYES, and Mr. BUYER.

H.R. 1287: Mr. LEACH.

H.R. 1288: Ms. KILPATRICK and Ms. NORTON.

H.R. 1290: Mr. RYAN of Wisconsin.

H.R. 1293: Mr. LAFALCE, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. MOORE, Mr. HILL of Indiana, Mr. PHELPS, and Mr. PASCRELL.

H.R. 1304: Mr. LAMPSON, Mr. TIAHRT, Mr. SNYDER, Mr. SHAW, Mr. ABERCROMBIE, and Mr. MORAN of Virginia.

H.R. 1305: Mr. BROWN of Ohio.

H.R. 1312: Ms. SLAUGHTER.

H.R. 1315: Mr. HORN.

H.R. 1327: Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. WU.

H.R. 1382: Mr. GILLMOR, Mr. HOUGHTON, Mr. SENSENBRENNER, Mr. PALLONE, and Mr. MCINNIS.

H.R. 1389: Mr. HASTERT and Mrs. EMERSON.

H.R. 1413: Mr. HALL of Texas.

H.R. 1421: Mr. MARTINEZ and Mr. ANDREWS.

H.R. 1432: Mr. GILMAN.

H.R. 1433: Mr. SCARBOROUGH, Ms. DUNN, Mr. COMBEST, Mr. WAMP, Mr. HILLEARY, Mr. METCALF, and Mr. NETHERCUTT.

H.R. 1452: Mr. GARY MILLER of California.

H.R. 1592: Mr. DUNCAN, Mr. OSE, Mr. ROGERS, and Mr. THUNE.

H.R. 1601: Ms. DUNN, Mr. KASICH, Mr. WU, Mr. RAMSTAD, and Mr. DOOLITTLE.

H.R. 1606: Mr. GEJDENSON.

H.R. 1634: Mr. GOODE.

H.R. 1649: Mr. SCARBOROUGH and Mr. TANCREDO.

H.R. 1658: Mr. COBLE and Mr. PAUL.

H.R. 1665: Mr. LANTOS, Mr. SKELTON, Mr. NEAL of Massachusetts, Mr. FROST, and Mr. SNYDER.

H.R. 1684: Mr. DIXON.

H.R. 1687: Mrs. MYRICK.

H.R. 1706: Mr. GRAHAM.

H.R. 1746: Mr. REYNOLDS and Mr. CHABOT.

H.R. 1760: Mr. MINGE.

H.R. 1777: Mr. BONIOR and Mr. KLECZKA.

H.R. 1794: Mr. ANDREWS and Mr. HALL of Texas.

H.R. 1806: Mr. ABERCROMBIE, Mr. BOUCHER, Ms. BERKLEY, and Mr. CALLAHAN.

H.R. 1837: Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. HULSHOF, Mr. ANDREWS, Mr. TRAFICANT, Mr. DEUTSCH, Mr. RAHALL, Mr. BARCIA, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. FORD, and Mr. HILLIARD.

H.R. 1841: Mr. ABERCROMBIE.

H.R. 1844: Mr. RAHALL

H.R. 1858: Mr. CLAY, Ms. ESHOO, Mr. DEAL of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 1881: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 1883: Mr. NORWOOD, Mr. SHOWS, Mr. PASTOR, Mr. BACHUS, Mr. FORBES, Mr. STUMP, Mr. CAMPBELL, Mr. KING, Mr. GORDON, Mr. ACKERMAN, Mr. BILIRAKIS, Mr. CROWLEY, Mr. SHERMAN, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SALMON, Mr. MCGOVERN, Mr. GRAHAM, Mr. MCINTOSH, Mr. HOLT, Ms. SCHAKOWSKY, Mr. FORD, Mr. PALLONE, Mr. DIXON, Mrs. MYRICK, Mrs. MORELLA, Mr. ARMEY, Ms. WOOLSEY, Mr. DOYLE, Mr. WYNN, Mr. WEINER, Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr. COBLE, Mrs. NORTHUP, Mr. SHADEGG, Mr. GONZALEZ, Mr. FROST, Mr. MENENDEZ, Mr. HAYES, Mr. FOLEY, Mrs. LOWEY, Mr. WEXLER, Mr. DEUTSCH, Mr. MCNULTY, Mr. HAYWORTH, and Mr. KINGSTON.

H.R. 1890: Mr. GEORGE MILLER of California.

H.R. 1907: Mrs. KELLY.

H.R. 1993: Mr. BOEHLERT.

H.R. 2028: Mr. COBURN.

H.R. 2040: Mr. DOYLE and Mr. REYES.

H.R. 2125: Mr. HILLIARD and Mr. BECERRA.

H.R. 2238: Mr. BRADY of Pennsylvania and Ms. KILPATRICK.

H.R. 2240: Mr. MURTHA and Mr. BONIOR.

H.R. 2241: Mr. DIAZ-BALART.

H.R. 2243: Mr. TRAFICANT and Mr. DUNCAN.

H.J. Res. 55: Mr. BAIRD and Mr. TANCREDO.

H.J. Res. 57: Ms. PELOSI and Mr. LIPINSKI.

H. Con. Res. 30: Mr. JONES of North Carolina.

H. Con. Res. 109: Mr. BURTON of Indiana, Ms. KAPTUR, Mr. SAWYER, and Mr. BEREUTER.

H. Con. Res. 112: Mr. SERRANO, Mr. HALL of Texas, Mr. CONDIT, Mr. CRAMER, Mr. SISISKY, Mr. MCINTYRE, Mr. ROGAN, Mr. CALLAHAN, Mrs. CUBIN, Mr. EVERETT, Mr. FOSSELLA, Mr. TIAHRT, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. MOAKLEY, Mr. MEEHAN, Mr. VITTER, Mr. JONES of North Carolina, Mr. WHITFIELD, Mr. FRELINGHUYSEN, Mr. BASS, Mr. NORWOOD, Mr. GREEN of Wisconsin, Mr. EHLERS, Mr. BACHUS, Mr. OSE, Mr. GARY MILLER of California, Mr. KASICH, Mr. HOEKSTRA, Mr. PACKARD, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. HOBSON, Mr. PORTMAN, and Mrs. MYRICK.

H. Con. Res. 124: Mr. BILBRAY and Mr. OBERSTAR.

H. Con. Res. 129: Mr. MCHUGH and Mr. MORAN of Virginia.

H. Con. Res. 130: Mr. WATT of North Carolina, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. TOWNS, Mr. MEEKS of New York, and Mr. PAYNE.

H. Con. Res. 132: Mr. CAMPBELL.

H. Con. Res. 133: Mr. ROMERO-BARCELO and Mrs. KELLY.

H. Res. 41: Mr. KUYKENDALL and Ms. SANCHEZ.

H. Res. 107: Mrs. CAPPS, Ms. VELAZQUEZ, Ms. BALDWIN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 109: Mr. LEWIS of Kentucky, Mr. GOODLATTE, and Mr. WATKINS.

H. Res. 115: Ms. KAPTUR.

H. Res. 211: Mrs. MYRICK, Mr. LAZIO, Mr. HAYWORTH, Mr. WATTS of Oklahoma, and Mr. RUSH.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2084

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 48, lines 7 through 10, strike section 330.

H.R. 2084

OFFERED BY: MR. NEY

AMENDMENT NO. 2: Page 48, line 9, after the dollar amount, insert ''(decreased by $300,000)''.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, JUNE 17, 1999 No. 86

# Senate

The Senate met at 10 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, Dr. Washington Johnson II, Moranatha Seventh Day Adventist Church, Jackson, TN.

We are pleased to have you with us.

## PRAYER

The guest Chaplain, Dr. Washington Johnson II, offered the following prayer:

Let us pray.

Almighty God, who has worked through leaders in all ages to shape the events of history, we pray for the women and men in this Senate today. May they sense Your guiding providence and find wonder in the thought that You have chosen them through the voice of the American people to lead this mighty Nation. While they are here in this historic Chamber, remind them of their accountability to You for every choice which they shall make. May they live humbly and peacefully before You as they lead in making laws to govern our land. May they remember the limitations of human wisdom and power, and may they rely constantly on You, the omnipotent One, for strength and guidance. Dwell in the secret places of their hearts and grant them peace. Reveal Yourself to them; be the unseen Friend beside them in every changing circumstance. And may we all aspire for the day when *nation shall not lift up sword against nation, neither shall they learn war anymore.*—Isaiah 2:4. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. GREGG. Mr. President, today the Senate will be in a period of morning business until 11:20 a.m. Following morning business, the Senate will begin consideration of H.R. 1664, the steel, oil, and gas appropriations legislation, with amendments expected to be offered. Therefore, votes are anticipated throughout the day. Tomorrow, it is the intention of the leader to take up and complete action on the State Department authorization bill. Therefore, votes will take place during Friday's session of the Senate.

I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 11:20 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the Senator from New Hampshire, Mr. GREGG, is recognized to speak for up to 40 minutes.

## NATIONAL FATHER'S RETURN DAY

Mr. GREGG. Mr. President, Senator LIEBERMAN and I today introduce a resolution which asks that June 20, Father's Day, be further designated as ''National Father's Return Day.'' The purpose of this resolution is to highlight the fact that fathers are needed in the family.

I heard Governor George Bush speak this past weekend in New Hampshire, and one of the things that really resonated with me was that he said the most important job we have is not being a Governor or being a Senator or being head of an assembly line or working at a restaurant; the most important job we have is to be good moms and pops. That is absolutely true. Unfortunately, in our country today, one out of every three children is currently in a household without a father. That has a devastating impact on the manner in which these children perceive life and the manner in which these children are raised.

We all know that in this time of difficult economic activity, where, unfortunately, it does take two parents working to raise a family in many households, there is great stress on the family to begin with and there is always the question of enough family time. There is always the question of having enough time to be with our children and have our children get from their parents the values and the ideas that are so critical.

Coupled with the fact that so many children are being raised in households where there is no father, it is absolutely critical that we refocus ourselves on the importance of the father in the household and that we say to those fathers who maybe have left the household and are not spending the type of time they should with their children, who are not coming back as regularly as they should or not taking the extra initiatives, the extra time it takes to be with their children during periods when it is convenient for both the mother and the father: Think about this, think about what you are doing, and think about your obligations as a father.

So this initiative which we put forward today, this resolution to designate June 20 as National Father's Return Day, has as its purpose to highlight this fact and to say to fathers throughout our Nation, think about your opportunity as a father, not only fathers outside the home but fathers who are still in the nuclear family,

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



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think about your responsibilities and make sure you are living up to that obligation, because as a Nation I think we must all understand we are never going to be able to be a nation of values, a nation of moral strength, a nation of purpose, unless we give our children, the next generation, a sense of purpose, a sense of values, and a sense of moral strength. The father plays a major role in accomplishing that.

So this resolution, which I will not read in its entirety, although it is an excellent resolution, I must admit, has as its resolve clause:

Be it *Resolved*, That the Senate—

(1) recognizes that the creation of a better United States requires the active involvement of fathers in the rearing and development of their children;

(2) urges each father in the United States to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the emotional, academic, moral, and spiritual development of his children;

(3) urges the States to hold fathers who ignore their legal responsibilities accountable for their actions and to pursue more aggressive enforcement of child support obligations;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, affectionate, family environment.

(5) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who do want to become more engaged in the lives of their children;

(6) to demonstrate the commitment of the Senate to those critically important goals, designates June 20, 1999, as ''National Father's Return Day'';

(7) calls on fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend National Father's Return Day with their children, and to express their love and support for them.

Then it requests that the President issue a proclamation calling on the people of the United States to observe National Father's Return Day with appropriate ceremonies and activities.

I certainly appreciate the chance to participate in this resolution, which was the idea and the initiative of the Senator from Connecticut, who has so many good ideas in the area of trying to improve family values in our Nation.

So it is a pleasure for me to join with him on this resolution, to be a cosponsor of this resolution, and participate in offering it today.

I reserve the remainder of my time.

## ORDER OF PROCEDURE

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that, of the 40 minutes reserved for the minority leader, 10 minutes be yielded to me and 10 minutes to Senator REED of Rhode Island. I assume that would still accommodate the Senator from Connecticut. That would leave 20 minutes.

Mr. LIEBERMAN. I thank my friend from New Jersey. I have access to the time allotted to the Senator from New Hampshire.

Mr. GREGG. Will the Senator from New Jersey allow the Senator from Connecticut to go forward in conjunction with this resolution?

Mr. TORRICELLI. If that is the Senator's wish.

Mr. LIEBERMAN. If it fits the Senator's schedule. I don't expect to take but 10 minutes.

Mr. TORRICELLI. Mr. President, if I could amend my unanimous consent request that Senator LIEBERMAN be allowed to proceed, followed by myself for 10 minutes and Senator REED of Rhode Island for 10 minutes, and, furthermore, that Rebecca Morley, a fellow of Senator REED, be given access to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, and a friendly amendment of 10 minutes for the Senator from Illinois named DURBIN.

The PRESIDING OFFICER. Is there objection, with the suggested amendment?

Mr. GREGG. Mr. President, I further request that be amended to ask that Senator COLLINS have 10 minutes at the conclusion of the Senators who have just spoken.

The PRESIDING OFFICER. To restate the unanimous consent request, the Chair understands the request to be the Senator from Connecticut be allowed to go forward for 10 minutes at this time, followed by the Senator from New Jersey, the Senator from Rhode Island, the Senator from Illinois, and then—

Mr. GREGG. The Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine—each for 10 minutes, respectively.

Mr. TORRICELLI. Mr. President, reserving the right to object, and that Rebecca Morley, a fellow with Senator REED, be granted privileges of the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 10 minutes of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

## NATIONAL FATHER'S RETURN DAY

Mr. LIEBERMAN. Mr. President, for most of us, Father's Day, which of course is this coming Sunday, is a special day of love, family, appreciation, a customary time for giving ties and, if you will allow me, for renewing ties of a different sort. But for a staggering number of American children, there will be no ties of either kind to celebrate this Sunday. The sad reality is that an estimated 25 million children—more than 1 out of 3—live absent their biological father, and 17 million kids live without a father of any kind. About 40 percent of the children living in fatherless households have not seen their dads in at least a year; and 50 percent of children who don't live with their fathers have never stepped foot in their father's home.

This growing crisis of father absence in America is taking a terrible toll on these children who are being denied the love, guidance, discipline, emotional nourishment, and daily support that fathers can provide. As dads disappear, the American family is becoming significantly weaker and less capable of fulfilling its fundamental responsibility of nurturing and socializing children and conveying values to them. In turn, the risks to the health and well-being of America's children are becoming significantly higher.

Children growing up without fathers, research shows, are far more likely to live in poverty, to fail in school, to experience behavioral and emotional problems, to develop drug and alcohol problems, to be victims of physical abuse and neglect and, tragically, to commit suicide. It is, of course, not just those children individually who are suffering but our society as a whole. Many mothers and fathers are so busy today that they are less involved in their children's lives than in the past. But this absence is particularly consequential when it comes to fathers, for they play such a critical role in socializing and providing boundaries to children, particularly to boys.

The devastating consequences of father absence for communities—and particularly urban communities—has been broadly documented in a report released just this week by the Institute For American Values and the Morehouse Research Institute. The report was titled ''Turning the Corner on Father Absence in Black America.'' It was discussed in a powerful column by Michael Kelly, which appeared in Wednesday's Washington Post.

I ask unanimous consent that the entirety of Mr. Kelly's column be printed in the RECORD.

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

### A NATIONAL CALAMITY

So now we are four, as along comes Jack, 8 pounds, 4 ounces, to join Tom, who for the record welcomes this development; and now I know what my job will be for the remainder of my days. I will be the man sitting behind the driver's wheel saying: Boys, listen to your mother.

This is a good job, and one of the better things about it is the nice clarity it lends to life. Fathers (and mothers) relearn that the world is a simple enough place. They discover that their essential ambitions, which once seemed so many, have been winnowed down to a minimalist few: to raise their children reasonably well and to live long enough to see them turn out reasonably okay. This doesn't seem like a great deal to ask for until you find out that it is everything to

you. Because, it turns out, you are everything to them.

We know this not just emotionally but empirically. We know—even Murphy Brown says so—that both fathers and mothers are essential to the well-being of children. Successive studies have found that children growing up in single-parent homes are five times as likely to be poor, compared with children who have both parents at home. They are twice as likely (if male, three times as likely) to commit a crime leading to imprisonment. They are more likely to fail at school, fail at work, fail in society.

What, then, would we say about a society in which the overwhelming majority of children were born into homes without fathers and who grew up, in significant measure, without fathers? We would say that this society was in a state of disaster, heading toward disintegration. We would say that here we had a calamity on a par with serious war or famine. And, if that society were our own, we would, presumably, treat this as we would war or famine, with an immediate and massive mobilization of all of our resources.

Of course, this society is our own. Of black children born in 1996, 70 percent were born to unmarried mothers. At least 80 percent of all black children today can expect that a significant part of their childhood will be spent apart from their fathers.

Millions of America's children live in a state of multiplied fatherlessness—that is, in homes without fathers and in neighborhoods where a majority of the other homes are likewise without fathers. In 1990, 3 million children were living in fatherless homes located in predominantly fatherless neighborhoods—neighborhoods in which a majority of the families were headed by single mothers. Overwhelmingly, those children were black.

These figures, and most of the others that follow, come from a report, ''Turning the Corner on Father Absence in Black America,'' released to no evident great concern this week by the Morehouse Research Institute and the Institute for American Values.

As the report notes, things were not always thus. In 1960, when black Americans lived with systemtic oppression, 78 percent of black babies were born to married mothers, an almost mirror reversal of today's reality. In the 1950s, a black child would spend on average about four years living in a one-parent home. An estimated comparable figure for black children born in the early 1980s is 11 years. According to the research center Child Trends, the proportion of black children living in two-parent families fell by 23 percentage points between 1970 and 1997, going from 58 percent to 35 percent.

The disaster of black fatherlessness in America is part of a larger crisis. In every major demographic group, fatherlessness has been growing for years. Among whites, 25 percent of children do not live in two-parent homes, up from 10 percent in 1970. Overall, on any given night, four out of 10 children in America are sleeping in homes without fathers. (True, in the past few years, the number of out-of-wedlock births has begun to fall, but that trend is too nascent and too modest to much affect the situation.)

Some people think all of this matters. One is David Blankenhorn, a liberal organizer who learned realities as a Vista volunteer and who 11 years ago founded the Institute for American Values, co-author of this week's report. It is Blankenhorn's modest suggestion that fathers are necessary to children, that their abdication on a large scale is calamitious to the nation and that the people who run the nation should do something serious about this.

The man who currently runs it is not a factor here; he does not do serious. What about the men who would run it? Al Gore says nothing; he is too busy fighting the loss of green spaces in Chevy Chase. Bill Bradley preaches about racism but is silent about the ruination of a race. George W. Bush is full of compassionate conservatism, but he won't say quite what that is. And so on. History will wonder why America's leaders abandoned America's children, and why America let them do so.

Mr. LIEBERMAN. Mr. President, I want to say just a few words on the jarring statistics from that report and column for my colleagues. Of African American children born in 1996, 70 percent were born to unmarried mothers. At least 80 percent, according to the report, can expect to spend a significant part of their childhood apart from their fathers.

We can take some comfort and encouragement from the fact that the teen pregnancy rate has dropped in the last few years. But the numbers cited in Mr. Kelly's column and in the report are nonetheless profoundly unsettling, especially given what we know about the impact of fatherlessness, and indicate we are in the midst of what Kelly aptly terms a ''national calamity.'' It is a calamity. Of course, it is not limited to the African American community. On any given night, 4 out of 10 children in this country are sleeping in homes without fathers.

At the end of this column, Michael Kelly asks: How could this happen in a Nation like ours? And he wonders if anyone is paying attention.

Well, the fact is that people are beginning to pay attention, although it tends to be more people at the grassroots level who are actively seeking solutions neighborhood by neighborhood. The best known of these groups is called the National Fatherhood Initiative. I think it has made tremendous progress in recent years in raising awareness of father absence and its impact on our society and in mobilizing a national effort to promote responsible fatherhood.

Along with a group of allies, the National Fatherhood Initiative has been establishing educational programs in hundreds of cities and towns across America. It has pulled together bipartisan task forces in the Senate, the House, and among the Nation's Governors and mayors. It has worked with us to explore public policies that encourage and support the efforts of fathers to become more involved in the lives of their children.

Last Monday, the National Fatherhood Initiative held its annual national fatherhood summit here in Washington. At that summit, Gen. Colin Powell, and an impressive and wide-ranging group of experts and advocates, talked in depth about the father absence crisis in our cities and towns and brainstormed about what we can do to turn this troubling situation around.

There are limits to what we in Government can do to meet this challenge and advance the cause of responsible fatherhood because, after all, it is hard to change people's attitudes and behaviors and values through legislation. But that doesn't mean we are powerless, nor does it mean we can afford not to try to lessen the impact of a problem that is literally eating away at our country.

In recent times, we have had a great commonality of concern expressed in the ideological breadth of the fatherhood promotion effort both here in the Senate and our task force, but underscored by statements that the President, the Vice President, and the Secretary of Health and Human Services have made on this subject in recent years. Indeed, I think President Clinton most succinctly expressed the importance of this problem when he said:

> The single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems.

So there are some things we can and should be trying to do. I am pleased to note our colleagues, Senators BAYH, DOMENICI, and others have been working to develop a legislative proposal, which I think contains some very constructive and creative approaches in which the Federal Government would support financially, with resources, some of these very promising grassroots father-promotion efforts, and also encourage and enact the removal of some of the legal and policy barriers that deter men from an active presence in their children's lives.

Another thing I think we can do to help is to use the platform we have on the Senate floor—this people's forum—to elevate this problem on the national agenda. That is why Senator GREGG and I have come to the floor today. I am particularly grateful for the cosponsorship of the Senator from New Hampshire, because he is the chairman of the Senate Subcommittee on Children and Families. We are joined by a very broad and bipartisan group of cosponsors which includes Senators BAYH, BROWNBACK, MACK, DODD, DOMENICI, JEFFORDS, ALLARD, COCHRAN, LANDRIEU, BUNNING, ROBB, DORGAN, DASCHLE, and AKAKA. I thank them all for joining in the introduction of this special resolution this morning, which is to honor Father's Day coming this Sunday, but also to raise our discussion of the problem of absent fathers in our hopes for the promotion of responsible fatherhood.

Senator GREGG indicated this resolution would declare this Sunday's holiday as National Fathers Return Day and call on dads around the country to use this day, particularly if they are absent, to reconnect and rededicate themselves to their children's lives, to understand and have the self-confidence to appreciate how powerful a contribution they can make to the well-being of the children that they have helped to create, and to start by spending this Fathers' Day returning for part of the day to their children and expressing to their children the love they have for them and their willingness to support them.

The statement we hope to make this morning in this resolution obviously will not change the hearts and minds of distant or disengaged fathers, but those of us who are sponsoring the resolution hope it will help to spur a larger national conversation about the importance of fatherhood and help remind those absent fathers of their responsibilities, yes, but also of the opportunity they have to change the life of their child, about the importance of their fatherhood, and also help remind these absent fathers of the value of their involvement.

We ask our colleagues to join us in supporting this resolution, and adopting it perhaps today but certainly before this week is out to make as strong a statement as possible and to move us one step closer to the day when every American child has the opportunity to have a truly happy Father's Day because he or she will be spending it with their father.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey, Senator TORRICELLI, is recognized for 10 minutes.

Mr. TORRICELLI. Thank you, Mr. President.

## THE CHILDREN'S LEAD SAFE ACT

Mr. TORRICELLI. Mr. President, in our constitutional government, it is the Congress that is entrusted to reflect both the desires of our people and it was envisioned that it is this Congress that would be the most responsive to immediate public need.

But there has arisen in recent years both a frustration with the Congress and a tendency to rely upon other institutions. Patterns emerged in the fight against tobacco and the health care crisis that have come from citizens, aggrieved parties who have relied upon the Federal courts to redress their grievances. Indeed, the same pattern is now occurring with regard to the problems of gun violence and the inability of Congress to respond to the legitimate needs of controlling these dangerous weapons in their design and in their distribution, leading citizens to, once again, rely upon the Federal courts.

I rise today because there is now a third rising frustration with the American people that is leading them to the Federal courts rather than to the Federal Congress. I am addressing the problem of lead poison.

Victims of lead poisoning are suing corporations that have manufactured this paint before its residential use was banned in 1978, recognizing that lead today is the leading health hazard to children in many communities around America.

Despite all of our efforts in the last 20 years to ban lead paint to protect American children, there are still estimated to be 890,000 children in America who suffer from elevated levels of lead poisoning in their blood. This lead poisoning in America's children leads to physical impairment, mental impairment, and severe behavioral problems in children. In extreme cases, this leads to comas, mental retardation, brain damage, and even death.

In 1992, the Congress made a commitment to our children. It was our collective judgment we would mandate that States test every child under 2 years of age in America, using Medicaid, to determine the level of lead poison. This mandatory screening would limit the dangers of lead to children with the highest risk of exposure. We felt confident, because 75 percent of the highest risk children were already in Federal health care programs.

There was a recognition that these children were five times more likely than other children in America to be exposed to lead and to have these potential impairments because they lived in older housing and were less likely to have access to health care. The fact of the matter is that, despite 20 years of congressional good intentions and this mandatory program through Medicaid, children in America are not being protected. A recent GAO report indicates that two-thirds of children on Medicaid have never been tested for lead. Over 400,000 children with high lead in their blood are unidentified, and these children need our help.

Just like in the tobacco cases, and now with the gun cases, citizens are frustrated. The Congress expressed good intentions. It legislated. But there is no response. Indeed, citizens now are left with the thought of having nothing happen, or to pursue their grievances in the Federal courts. The Congress has not provided an answer. That is why Senator REED and I have introduced the Children's Lead Safe Act, S. 1120.

This legislation would ensure that every Federal program which serves children at risk in our country is testing them for lead. We are not asking. We are not hoping for the best. We are requiring an answer, and that every child in a Federal program today—Head Start and WIC—be involved; ensuring that we know whether or not these children have high lead levels; recognizing that every day that goes by and that every year of development of these children leaves them at risk for brain damage, developmental problems, or even death.

Our legislation requires that WIC and Head Start centers determine if a child has been tested. It guarantees that Medicaid contracts explicitly require health care providers to adhere to Federal rules for screening and treatment. It requires that States report to the Federal Government the number of children on Medicaid who have been tested. At long last, we will require the testing, ensure there is funding for the testing, and then finally know how many children are at risk and the nature of their risk.

This legislation will also ensure that States and Federal agencies have the resources. This is not a mandate without a financial alternative. Reimbursement to WIC and Head Start will be provided for screening costs; and, indeed, we go further and create a bonus program to reward States for every child screened above 65 percent of the Medicaid population. But, indeed, screening, reimbursement for screening, and mandatory screening is only part of what Senator REED and I would provide.

Finally, we will do this: expand Medicaid coverage to include treatment for lead poisoning. If we identify a child who has an elevated lead poisoning level, that child is given immediate treatment before brain damage, paralysis, or learning disabilities become permanent.

Second, we improve information on lead poisoning so parents who live in older housing in our older cities where the risk is greatest know how to identify the dangers, change the living environment, and deal with the problem. We encourage the CDC to develop information-sharing guidelines to health departments, drug test labs, and official health programs.

These are all part of a comprehensive program to fulfill the promise that this Congress made 20 years ago to deal honestly with the problem of lead poison: Inform parents, give health care alternatives, assure that children in programs such as WIC and Head Start actually are given the screening that they know is necessary and that they deserve.

I hope the parents and advocacy groups which are now going to the Federal courts on the well-beaten path of tobacco advocates and gun control advocates before them can now have confidence that this Congress will not wait on the sidelines in frustration, recognizing that a program we implemented 20 years ago is not working; we are now demanding and providing the resources for a mandate that, indeed, can have meaning for the life of these children and for their parents.

I urge our colleagues to recognize the advantages of S. 1120. I hope Members join with Senator REED and me in offering this worthwhile and important program to deal with lead poison.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I am pleased today to join my colleague from New Jersey, Senator TORRICELLI, to discuss the issue of childhood lead poisoning and discuss the legislation we introduced.

Over the last 20 years, the United States has made significant progress in reducing lead exposure, particularly among our children. We have enacted bans on lead-based paint, lead solder in food cans, and the deleading of gasoline. As a result, blood lead levels in the United States have decreased by 80 percent. That is good news.

However, what is not good news is the fact that there are an estimated

nearly 1 million preschoolers who have excessive lead in their blood, making lead poisoning one of the leading childhood environmental diseases, if not the most significant environmental disease that affects children today.

Today, lead-based paint in housing is the major source of this exposure to our children. It has been estimated that approximately half of America's housing stock, roughly 64 million units, contain some lead-based paint. Twenty million of these homes contain lead-based paint in a hazardous condition—paint which is peeling, cracked, or chipped.

Children typically get exposed to this, and young children particularly, while playing on floors that have minute particles of lead, from opening and closing windows, particularly old windows, because of the paint in the runners which crack when the window is opened or closed. Thousands of particles of lead are set off in the atmosphere, and children ingest these particles.

Children also ingest lead in backyards in older neighborhoods where cars were worked on 20 years before but in the ground there are still significant quantities of lead.

This is particularly a problem in my home State of Rhode Island, because we have a rather old housing stock; 43.7 percent of our houses and homes were built before 1950 when lead paint was ubiquitous; it was used everywhere. HUD estimates that 80 percent of pre-1950 homes used lead paint. There are only five States that have a higher percentage of older homes—those built before 1950—than Rhode Island. In Rhode Island this is a significant problem.

Nationally we have found that 1 in 11 children has elevated blood levels. In Rhode Island it is one in five. Nationally this is still a problem. This is not just an issue that pertains to the Northeast or to some parts of the country. It cuts across every sector of this great Nation.

Another example from the Rhode Island experience: In 1998, 15,000 Rhode Island children entering kindergarten had their blood levels screened; 3,000 of these children had elevated lead in their blood systems. That is an unacceptable percentage. We would like to see zero elevated lead levels but certainly not 3,000 out of 15,000.

The impact is unfairly borne by minority children, low-income children. African American children are five times more likely than white children to contact lead poisoning. In Rhode Island, 14 percent of white children screened in 1998 had elevated lead levels, 36 percent of African American children, and 29 percent of Hispanic children. This is an environmental disease that is correlated highly with low income. Poor housing unduly affects minority children throughout the country.

We also know that exposure to lead leads to health problems for children. It also has a profound impact on their educational development, because lead will attack the central nervous system and upset cognitive functions. It is a pernicious disease which will lead to impairment of educational ability and intellectual ability.

One of the ironies of our program is that we spend very little relative to lead problems, but we are spending millions and millions and millions on special education. In fact, there is not one of my colleagues who has not heard his or her local school superintendent or the Governor say: We have to support special education; we have to reduce these costs. We can if we have a health care system that reacts and screens for lead in children.

These lead-affected children are more likely, because of educational complications, to drop out of school. In fact, it has been estimated that they are seven times more likely to drop out of school if they have elevated blood lead levels. We continue to pay for special education through dropouts, through young people who do not have the skills to participate fully in our economy.

It is our responsibility to do something. As my colleague, Senator TORRICELLI, mentioned, we have in the past instructed all the Federal health care programs to screen children and to treat children, but we have not been able to measure up to the task we have given them. We have not been able to effectively screen all the children. Certainly we haven't been able to treat all these children.

We do have solutions: First, we have to make parents more aware, and also we have to insist upon comprehensive screening and treatment for children who are at risk.

In January 1999, the General Accounting Office reported that children in federally funded health care programs such as Medicaid, WIC programs, and the Health Centers Program are five times more likely to have elevated blood levels than children who are not in these programs. The report also found—this is substantiated by what Senator TORRICELLI said and underscores the need for action now—that despite longstanding Federal requirements over 20 years, two-thirds of the children in these programs, more than 400,000, have never been screened at all, even though it is our policy that they all should be screened—400,000 children.

Our legislation, the Children's Lead Safe Act, will ensure that all preschool children who are enrolled in Federal health care programs who are most at risk for lead poisoning are screened and receive appropriate followup care. We know that early detection of lead exposure is critical to the success and the health of that child.

We also know that unless you screen the child, you will not know if that child requires extensive follow-on care. If we do the screening, as for years we have said we must, we will go a long way toward taking the first step in reducing this problem, finding out who is exposed, and getting those children into appropriate care.

We want to ensure there are clear and consistent standards for the screening, that we don't have a hodgepodge of different standards, that we have a program that is sensitive to the latest scientific information.

In addition to comprehensive screening, we are also going to insist on clear and consistent standards that will be applied by every health care provider who is screening these children.

Another aspect of the legislation is to have a management system in place that follows these children.

As an aside, I had an interesting conversation just a few weeks ago with a physician from Los Angeles who is an expert in asthma, which is another environmental childhood disease of significance. He has created a special program with a mobile laboratory which goes to each school. One of the key factors for the success of his program is that not only does he treat the child, but there is an elaborate information system to follow the course of that child. In fact, what he found is that without this elaborate followup, this information system that can monitor the results and the progress of children, initial treatment is seldom effective.

If we begin to insist upon comprehensive screening, as we have said we wanted for 20 years, if we go ahead and require that there be universal screening standards that are applied everywhere, if we have a system of information that will follow these children and ensure that they get the care, and ultimately we provide the resources for the care, we can go a long, long way to do what we have wanted to do for decades, to ensure that every child in America is not exposed to lead and, if they are, they are treated properly and effectively.

If we do these things, the payoff is going to be dramatic. We are going to have healthier children. We are going to have children who are more able and willing to learn. We will, I hope, reduce the dropout rate because, I remind my colleagues again, a child with elevated lead blood levels is seven times more likely to drop out.

In sum, we are going to be able to spare children from a disease which is entirely avoidable. That is why we are so enthusiastic about the legislation we are proposing. Both Senator TORRICELLI and I believe this is a sensible, efficient way to do what we all want to do. We also believe in the long run—and I know this is said about so much legislation, but this certainly must be the case—this will be saving not only the children but will be saving dollars in special education and in dropout prevention.

In many ways we are paying right now for a problem that not only could be addressed but effectively resolved. So I encourage all my colleagues to

join us to ensure our legislation becomes law and that an unnecessary disease affecting children, the No. 1 environmental disease affecting children in this country, can be eradicated and will go the way of many other childhood diseases because we took action.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that order be changed and Senator COLLINS now be recognized for 10 minutes and I follow her with 10 minutes, Senator DORGAN will follow me, and we will see if there is any remaining time in morning business beyond that.

The PRESIDING OFFICER. Without objection, it is so ordered. Under those circumstances, the Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from Illinois for his courtesy.

(The remarks of Ms. COLLINS and Mr. DURBIN pertaining to the introduction of S. 1231 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, is there time remaining under Senator COLLINS' 10-minute allocation?

The PRESIDING OFFICER. There is no time.

Mr. DURBIN. I ask unanimous consent to be allocated 5 additional minutes, for a total of 15 minutes, and then Senator DORGAN for 10 minutes.

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

## PATIENTS' BILL OF RIGHTS

Mr. DURBIN. Mr. President, it is interesting. Prior to my speech, the Senator from New Jersey and the Senator from Rhode Island talked about lead poisoning and public health. The Senator from Maine has discussed Medicare, and now I want to discuss the Patients' Bill of Rights. There have been three speeches in a row on health care. It sounds like a pretty important issue to me.

Frankly, for many Americans, it is the most important issue. But the sad reality is that the Senate spends a lot of time on speeches when it comes to health care and almost no time when it comes to debating legislation to make things better.

If you are watching this proceeding or are within the sound of my voice and you can say in the last year I had a problem in my family with health insurance coverage or I know someone in my family who did, do not believe you are in the minority. In fact, almost 50 percent of Americans say they have had problems with their managed care health insurance.

What kind of problems? Coverage. If there is a problem, a medical problem, will the managed care policy cover it with the care that is necessary, or do you have to go out and hire a lawyer?

On the question of emergency room access, if you belong to a managed care plan, they might tell you, incidentally, you are supposed to go to St. John's Hospital and not Memorial Medical Center and you find yourself in a predicament where Memorial Medical Center is closer to your home in an emergency situation, you better check your policy. You might have just done something, by going to the wrong hospital, in the view of that insurance company, that is going to cost you and your family some money. That should be changed.

Basically, an individual in a family situation who has a medical necessity, a kid who has fallen down with a broken arm or something very serious should not have to fumble through the glove compartment to figure out which hospital to go to for emergency care. That is something we need to address.

The Patients' Bill of Rights proposed by the Democratic side is an attempt to try to address obvious inadequacies when it comes to health insurance and health care in America. I have given a couple of examples—coverage under a health insurance policy and the question of which emergency room you can use. There are many others.

For instance, most people believe when they sit down in the doctor's office, the doctor is being honest with them, the doctor is telling the truth, the doctor is giving his or her best medical judgment. In fact, that relationship and that conversation is really so honored in law, that in a courtroom it is considered a confidential relationship—the doctor-patient relationship. Yet, what has happened is there is another party in the room, although invisible. That other party is a bureaucrat from an insurance company. Many doctors, when they lean over the table and say, you know, I think this is what your son needs, or this is what your wife will need, are not giving you their best medical advice. They are telling you what the health insurance company will pay for and what it will not pay for.

One of the things we address in the Patients' Bill of Rights is ending this physician gag rule. Please, in America, allow doctors to practice medicine. Do not let clerks and insurance companies make crucial medical decisions.

The Illinois State Medical Society invited me several years ago to accompany a local doctor in Springfield, IL, to a hospital and spend a day making rounds. I was a little nervous about it because, frankly, I do not have any business in a hospital room unless I am being treated. But they invited me, and it turned out that most of the patients were happy to see a politician wandering around with their doctors.

But the thing that was an eye-opener at St. John's Hospital in Springfield was when the doctor I was accompanying decided he wanted to keep a patient in the hospital over the weekend. The lady was in her sixties. She had been diagnosed with a brain tumor that was causing her dizziness. She lived alone.

The doctor said: I'm afraid that if she went home over the weekend before the Monday surgery to remove the tumor, she might fall down and hurt herself. We would have to postpone the surgery. I want to keep her in the hospital so we can take care of her and watch her, and then on Monday perform the surgery.

I am a layman, but that sounded perfectly reasonable.

Before he could make that decision, though, he had to get on the phone and call a clerk at an insurance company in Omaha, NE. You know what the clerk said? ''No. Send her home. Tell her to come back Monday morning for the brain surgery.''

This doctor could not believe it. He stood at this nurse's station, on that same floor, arguing with that clerk for half an hour. Finally, he slammed the phone down and said: I'm keeping this woman in the hospital. We'll appeal this later on.

What that doctor faced is repeated every day all across America where people who are sitting with these books of insurance regulations are making the decisions—the life-and-death decisions—that we count on when we take ourselves or our family in for medical care.

This has to come to an end. It has to change. We have to say, basically, that health insurance in this country is not going to be driven just by the bottom line in reducing costs, but by the top line of quality medical care; we are not going to take health care away from the professionals and give it to the insurance bureaucrats.

There is legislation pending before the Senate which engages this debate, which says this, the greatest deliberative body in America, is going to come down and debate, once and for all, how to make it right for American families. That bill is mired down in the process and cannot be brought to this floor. As a result, we stand before you today—and I know Senator DORGAN is going to address this as well—in frustration.

What is it we are doing here that is more important than making sure health insurance and health care in America is of the highest quality? We spent 5 days, 5 legislative days, debating the protection of computer companies. Well, it is an interesting challenge in terms of liability and their protection. Can't we spend 5 hours debating whether or not 150 million American families have health insurance protection? Isn't that worth our time and our debate?

Oh, there are differences of opinion here. I see things one way and some on the other side may see it another, but that is what the legislative process is about. Yet, we cannot seem to bring it to the floor so that we can have an honest debate to help America's families.

The other day I called on the Senate majority leader, the Republican leader, TRENT LOTT, to call up this bill before the Fourth of July. We have the bill out there. We know what the issues are. Let's have the debate. Yet, he was not sure he could. I hope he changes his mind. I hope those who were listening to this speech, and others, will decide that it is worth calling their Senators and their Congressmen and telling them: Yes, do something about health insurance.

Incidentally, in the case I mentioned earlier, where that insurance company clerk told the doctor to send the lady home, that if that clerk guessed wrong, and that lady went home, fell down the stairs and had a serious injury, do you know who is liable for that? Do you know who would have to answer in court for that insurance clerk's decision? The doctor—not the insurance company, the doctor.

That is what is upside down, because in America we are all held accountable for our actions. But by a quirk in the Federal law, health insurance companies—many of them are not held accountable for their conduct, not held accountable for their decisions.

Are the doctors upset about this? Are hospitals upset? Wouldn't you be if you wanted to do the right thing for the patient, and the insurance company makes the decision, a wrong one, the patient is injured, and the person sued ends up being the doctor or the hospital?

Frankly, in this country we are all held accountable for our actions. Why should health insurance companies be any different? If they knew they had to answer for their decisions, I think they would make better decisions. I think they would be more sensitive and more responsive. That is one of the key areas of disagreement between Democrats and Republicans on this bill.

Should it be debated? I think so. I would like a vote on it. Let's decide whether health insurance companies shall be held accountable like every other company in America. For some reason, the leadership here in the Senate does not want us to debate this issue. That is a sad reality.

They have come up with a bill, incidentally, which really only covers a third of Americans who are covered by health insurance. So many other Americans just do not have a chance.

Let me give you an example of what I am talking about. If you worked for AT&T, you would be covered by the Republican bill; General Electric, covered by their bill; Wal-Mart, covered by their bill. But other small business employees would be left behind to fend for themselves. Family farmers—I have a lot of them in Illinois—they pay for their own insurance, they pay a lot for it; they would not be protected by the Republican bill. Public school teachers, policemen, women firefighters, in fact all State and local employees would not be covered by the bill that is being proposed by the Republicans.

This is worthy of a debate. Are we going to have a Patients' Bill of Rights that helps all Americans, or are we going to slice off a third of them and say: Well, we're worried about you; we're not worried about your neighbor?

That is worth a debate. That is worth a vote. What is holding this up? It is a decision by some that, before we take this issue under consideration, there has to be an agreement to limit the number of amendments. The Democratic leadership is prepared to limit those amendments. Let's bring it down to a 5-day debate or a 6-day debate. Let's go at it, and go at it seriously.

Yet, I think the underlying reason for the delay is something more serious. There is an old friend of mine and former boss, State Senator Cecil Partee of Chicago, IL, who used to say: In politics, for every decision there is a good reason and a real reason. Well, the good reason is the time of the Senate. The real reason is that many Senators on the other side of the aisle don't want to be forced to vote on some of these tough questions. The insurance companies tell them to vote one way, and they know that when they go back home they cannot explain that vote. That, to me, is the bottom line.

I mentioned the other day in debate a former Congressman, now passed away, a great friend of mine, Mike Synar, who was a Congressman from Oklahoma. He said: If you don't want to fight fires, don't be a fireman. If you don't want to vote on tough issues, don't be a Member of Congress.

These are tough issues, but they are important issues. The American people deserve our best judgment in bringing this debate forward in a Patients' Bill of Rights, to bring it to the floor of the Senate.

Do you remember the debate on gun control? A lot of phony amendments were considered for a week. Finally, they were rejected and a real bill was passed. It is important to do the same thing with the Patients' Bill of Rights.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to extend my time by 5 minutes. I see no one else on the floor.

The PRESIDING OFFICER. Objection is expressed by the Chair as a Member of the Senate.

Mr. DORGAN. Mr. President, I will then, at the end of morning business, ask that morning business be extended if necessary.

I have waited to listen to my friend from Illinois, Senator DURBIN, and to add my voice to this call for a debate on the Patients' Bill of Rights. What is the Patients' Bill of Rights? And why is it necessary?

The Senator from Illinois just described the invisible partner in the doctor's examining room or the hospital room. I want to read about this invisible partner because I think it is quite interesting.

A couple of years ago, we had a hearing here in the Congress on the House side. Late in the day, long after the television cameras had been packed up and the lights had been turned off and the crowd had left, a woman came to testify. I want to read part of her testimony. She was a doctor. She said:

> My name is Linda Peeno. I am a former medical reviewer and medical director for three managed care organizations. I wish to begin by making a public confession: In the spring of 1987, as a physician, I caused the death of a man.
>
> * * * * *
>
> Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred: I was ''rewarded'' for this. It brought me an improved reputation in my job, and contributed to my advancement afterwards. Not only did I demonstrate I could indeed do what was expected of me, I exemplified the ''good'' company doctor: I saved a half million dollars!
>
> Since that day I have lived with this act, and many others, eating into my heart and soul. For me, a physician is a professional charged with care, or healing, of his or her fellow human beings. The primary ethical norm is: do no harm. I did worse: I caused a death. Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools: my words. The man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. This man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When any moral qualms arose, I was to remember: I am not denying care; I am only denying payment.

This from a doctor who served in a managed care organization, making the decisions about whether a patient and a doctor can continue to receive and provide care. That is the invisible presence in that hospital room—someone 1,000 miles away making a decision about profits and losses. This woman says: As a doctor, I caused a man's death and was rewarded for it.

Is this the way medicine should work? The Patients' Bill of Rights says no. Our bill says that every patient in our country, has the right to know all of their medical options, not just the cheapest treatment options. Today many doctors are gagged, told by the managed care organization, you dare not tell that patient what their range of medical options are, because we will not provide coverage for some of the more expensive ones, even though they might be the option that saves that patient's life.

Our Patients' Bill of Rights says let's correct that. Our Patients' Bill of Rights says, when someone is in need of an emergency room and needs medical treatment on an emergency basis, they have a right to get that care.

Not all managed care organizations say that is the case. Jacqueline Lee was hiking in the Shenandoah mountains. She tripped and fell off a 40-foot cliff. She had serious injuries from that

fall—fractures in her arms, pelvis, her skull. She was unconscious. She was airlifted by helicopter to an emergency room, unconscious, with fractures in many bones in her body. The HMO said it would not pay the more than $10,000 in hospital bills for Jacqueline Lee because she hadn't gotten prior approval for her emergency room treatment.

Think of that. Here is a woman hauled in on a gurney unconscious to an emergency room. The HMO says: Well, we won't pay that bill because you didn't get prior approval for emergency room treatment.

Is there a need for a Patients' Bill of Rights? Is there a need to correct this kind of thing? Of course there is.

Now, the Republicans say: We have a Patients' Bill of Rights. Yes, they do; they sure do. Their Patients' Bill of Rights covers some Americans, covers about 48 million Americans. But there are 113 million Americans who are not covered by their Patients' Bill of Rights.

The Senator from Illinois asked the question: Why can't we bring the bills to the floor and have a debate? The answer is, because some want to control every nuance on the floor of the Senate. They want to control who speaks, when they speak, whether you can offer an amendment, what your amendment says. We have put up with that for far too long.

Speaking only for myself, we are done putting up with it. This is not the way the Senate works. The Senate doesn't have, as the House does, a Rules Committee that becomes the prison for all the amendments and then the warden decides which amendments get let out the door. That is not the way the Senate works.

I have just prepared an analysis of how the Senate has been handling these issues in recent years, compared with the history of the Senate. It is very interesting. Lately, the strategy is to bring a bill to the floor and do what they call ''fill the tree,'' so Senators can't offer any amendments. The only way you can offer an amendment is if the majority leader says: Let me see your amendment. If I like it, you get to offer it; if I don't, you can't offer it.

That didn't happen in the past in this Senate. That is not the way the Senate works. Somebody needs to tell the folks who run this place that we are not going to let them continue to run the Senate that way. We demand that the Patients' Bill of Rights be brought to the floor of the Senate, and we demand the right to offer our amendments. We demand the right to debate them. We say to those who seem to want to keep the doors locked on good public policy issues like this: If you intend to keep doing that, then you are not going to do much business around here.

While folks are brought into emergency rooms unconscious and told by HMOs: We won't pay because you didn't get prior approval, we are told we can't correct it with a Patients' Bill of Rights. While we have doctors who come to testify before the Congress and say: I am responsible for the death of a person because I withheld treatment and I was rewarded for it under the current system, we are told we don't have the time on the floor of the Senate to bring up a Patients' Bill of Rights, or, if we do have the time, we are going to demand that you get preapproval for your amendments by someone on the other side of the aisle who puts forward a bill that is just a shell.

This Senate is sleepwalking on important issues. We ought to do much better for the American people than to sleepwalk on issues dealing with health care and the Patients' Bill of Rights and education and so many other important issues.

I will come tomorrow to the floor to talk about the farm crisis. This Congress is sleepwalking on the farm crisis as well.

I would like to say to my friend from Illinois, the Patients' Bill of Rights should have been passed by the last Congress. We have been more than patient on this issue.

I ask the Senator from Illinois—I would be happy to entertain a question about the delay here—it seems to me there has been plenty of time to do this. There is just not the will by some to want this to come to the floor.

Mr. DURBIN. If the Senator will yield, I really have two questions.

First, related to the fact that we both have large rural populations in our State, as the Senator from North Dakota understands, the tax laws do not help family farmers pay for their health insurance as they should. We have worked together to try to have full deductibility of health insurance. The family farmer, self-employed person trying to get health insurance coverage has to pay more out of pocket than anyone who works for a corporation, for example, because of our tax laws.

We have the Republican version of this issue, the Patients' Bill of Rights, which doesn't cover these same family farmers and give them protection. So they pay more for their insurance, higher premiums. They pay more out of pocket for it and don't get protection from the Republican Patients' Bill of Rights, whereas the Democratic Patients' Bill of Rights provides this protection.

Mr. DORGAN. If I might also make the point, the Congress has already said Medicare and Medicaid patients will get basic protections. Members of Congress get this protection in their own health care program. If it is good enough for all of those interests—and it is, and necessary—why is it not good enough for the 113 million Americans whom the Republicans say ought not get this help with their Patients' Bill of Rights?

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

Mr. THOMAS. Mr. President, I ask unanimous consent to utilize the remaining time on the Republican side.

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

The Senator from Wyoming.

## SOCIAL SECURITY LOCKBOX

Mr. THOMAS. I thank the Chair.

Mr. President, I am encouraged by what my friends on the other side have said. On an issue they wouldn't let us talk about yesterday—that is called Social Security—they talk about wanting to get things to the floor and get it done—yesterday every one of them voted against moving forward with the lockbox to do something with Social Security. It is a little bit incongruous with what they are saying today. That is one of the real major issues we need to talk about.

I might add, over the last couple of years there has been a Patients' Bill of Rights on the floor. It has been offered. The reason it hasn't gone anywhere is because the other side has to have amendments that have no relevance to the bill, and go on and on. If they would like to pass something, I suggest to them we put something out there, stick to the issue and do it. I see they have disappeared.

Let me talk about Social Security. It seems to me it is one of the things we are focused on; it is one of the things that is on our Republican list to complete this year. We are probably not going to reform Social Security in this session, so we do need to make a move, and the move is the lockbox—to take the surplus that is now all Social Security that comes in this year and seek to ensure that it is used for that purpose. For a very long time, this has not been the case. The money that has come in for Social Security, of course, has been put into Government securities, and has been spent for other things. For the first time in 25 years, we have a surplus, even though it is Social Security. So it is time, I believe, to do something to put that money aside for the purpose for which it is extracted from you and me as taxpayers.

Is the lockbox the ultimate solution? Of course not. But it is a way for us to control what that money is used for, to stop the idea, which the President supports, of $158 billion in expenditures on other issues using Social Security money.

Everyone knows that we have to do something if we intend to have Social Security in the future for the young people who are now starting to pay, as well as paying the beneficiaries that we now have. It wasn't many years ago that Social Security was thought to be the third-rail politics and nobody could touch it, otherwise they would be dead. Now we come to the realization that if we want to continue this program over the years—particularly so young people beginning to pay and who have many years to look forward to will get some benefit—we have to do something. The sooner we do it, the less

drastic the change will have to be. I think most everyone would agree that is a fact.

In the year 2014, Social Security will begin to run a deficit. So we need to look forward to that time. The options are fairly easy to understand. One, of course, is that you could raise taxes. I don't know of many people, given the 12 percent of our payroll that we now pay, would want to increase that. For many folks in this country, Social Security withholding is the highest tax they pay, and it is a substantial one. The other, of course, is to change the benefits, change the age, and do those kinds of things. There may be some tinkering with that, but basically the benefits will not be changed.

It leaves a third option, which I think is a good one, and that is to take the money that we have paid in—each of us—a certain percentage of that becomes an amount of money that is in our account, and it can be invested in equities, which returns a higher yield. That is really the third option that we need to look at. The opportunity to do that is probably somewhere ahead of us. So the lockbox, then, becomes the important thing now—to put that money aside so that we don't spend it.

There are, in my opinion, other reasons for doing that as well. This is one of the big debates here, as you can tell by listening just a few moments ago. There are those who want more and more Government spending, and others would like to restrict the size of the Federal Government, to move more of the decisions back to counties and States and individuals. That is the debate—a legitimate debate between those who want more taxes and more spending and those who would like to have a smaller Government, to bring it down to only those essential things. When you have a surplus, that is very difficult to do.

So if we are talking about maintaining a budget, which we are very proud of, having spending caps, in which the budget ceiling has been the largest contributor to having a balanced budget, if we are interested in doing those things, those are all part of setting aside this Social Security money. Over time, hopefully, in the future, as this surplus extends not only to Social Security, but to the regular operational budget, we will have an opportunity to have some tax reform and to return some of this money to people so they can spend it for their families, so they can spend it to do some of the things our friends were just talking about a few moments ago.

I think it is very important that we take it up. We have voted three times now to move forward with the lockbox. We asked to be able to go forward with this. Each time our friends on the other side of the aisle have said no. Everyone on that side of the aisle voted no yesterday. They said, no, we don't want to set the money aside, but they are up today saying here is where we want to make new expenditures of billions of dollars. There is something incongruous about that. We need to make some decisions about where we are.

I think Republicans have four pretty well-defined goals we are working toward. One is Social Security—not just to say save Social Security, as the President has said, and not do anything, but to actually do something.

Two is to do something about education. We have moved forward to do that. We have the Ed-Flex Program, for one, that has moved decisions back to the schools boards and the States and counties where they ought to be for educational decisions.

We are talking about tax reform. We need to have tax reform. I noticed last night somebody did a study of the whole world, and we are the second highest in the world on estate taxes, topped only by Japan. It is time that we did some tax reform and some of those things. Then security, of course, for the benefit our country, we have done a great deal on that, in strengthening the military.

I hope we will stop just talking about these things and actually do something. I'm talking about going forward with issues. We had a chance yesterday to go forward with an issue, and we had 45 votes against it. I hope we can move forward. One of the most important items in this country is Social Security, and the first step would be lockbox.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

## SOCIAL SECURITY LOCKBOX

Mr. DASCHLE. Mr. President, I don't know how much time is left in morning business, but I will use whatever leader time is required. I want to have the opportunity to respond to my good friend, the Senator from Wyoming, about some of the comments he made with regard to the Social Security lockbox and a couple of other issues he has mentioned. He mentioned Democrats' unwillingness to support the efforts to bring up the Social Security lockbox. Let me make sure that everyone understands we are very desirous of having the opportunity to have a good debate about the lockbox.

It is particularly propitious that probably the master of Senate procedure is on the Senate floor, because I want to talk just a moment about the difference, which is more than just a semantical difference, between a cloture vote that is designed to stop amendments and a cloture vote that is designed to stop a debate, a filibuster. There is no filibuster going on here. A filibuster is actually designed to bring debate to a close. When 60 Senators have voted accordingly, we have time remaining and then, ultimately, there is a final vote. There is a big difference between bringing the debate to a close and offering cloture motions and proposing that the Senate preclude the opportunity for Senators to offer relevant amendments.

That has been the case on the Social Security lockbox from the very beginning. For whatever reason, our Republican colleagues continue to believe that what the Senate needs is a rules committee. Every day in the House Rules Committee, decisions are made based upon the content of amendments, which amendments are appropriate and which amendments are not. The Rules Committee makes that decision, and then the rule is presented to the House Membership. They vote on whether they accept the rule or not. Based upon the content of those amendments, they make decisions as to whether or not there will be amendments to a certain bill. In their wisdom, the Founding Fathers chose not to allow the Senate to be bound by such constraints, that a Senator, with all of his power and authority and responsibility, ought to have the right to come to the floor and offer an amendment. But what our Republican colleagues continue to insist upon is that they act as an ad hoc rules committee. They want to see our amendments first. They want to approve our amendments first. And only then will they allow our amendments to be considered once they have been given their approval.

I ran for the Senate in 1996 because I wanted to be able to be a Senator, not a House Member. I want to be a Senator, and I want all the responsibilities and privileges and rights accorded to me as a Senator from South Dakota. That means the ability to offer an amendment.

On the lockbox, it is very simple. Whether you agree or not, we think the Medicare trust fund and the Social Security trust fund ought both to be locked up; we ought to treat them the same. We are dealing daily with the viability of the trust fund on Medicare, and if we can't ensure that viability of that trust fund, then I must say we haven't done our job.

We are saying, as Democrats, give us the right to offer an amendment on Medicare. Let's lock up that lockbox as well, and let's have a good debate about whether that makes good public policy or not. That is the issue.

The Republicans come to the floor; they file cloture to deny us the right to offer an amendment on Medicare—I must say also, to deny us the right to offer amendments that really mean lockbox when we say that is what we want.

They have a provision in their bill. I must say, it is amusing to me, but it says it is a lockbox unless we say we are for reform, and in the name of reform we can unlock the box, including privatizing Social Security. They have that in their bill. They want to be able to privatize Social Security, and they want to be able to ensure that, even if they have now voted for a lockbox, in the name of reform they can unlock it

just by saying: We want to offer a reform amendment, and we will so unlock the box.

I am puzzled by the admonitions of our colleagues. I am sorry the Senator from Wyoming is no longer on the floor, because I really hope we can set the RECORD clear. Democrats want to vote on a lockbox. But we want that lockbox to mean something. We want it to include Medicare, and we want the right to offer amendments to do just that.

That is what this debate is about. There is a difference on a cloture vote between ending a filibuster and denying Senators the right to offer amendments.

We will continue to fight for our rights, regardless of the issue and regardless of how much concern it may bring to some of those on the other side who seem to be determined to lock us out.

I know the distinguished Senator from West Virginia is here. He is anxious to begin the debate on a very important bill.

I am hopeful we can pass this legislation today.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1664, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this measure is not at the moment covered by any time agreement, is it?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, this is an appropriations bill. I believe Mr. STEVENS at some point in the afternoon will be on the floor to manage the bill. Mr. DOMENICI, who is very deeply involved in this bill as well, and who is on the Appropriations Committee, will be on the floor and will, as between himself and Mr. STEVENS, manage the bill. I am not managing the bill, but until one of those Senators comes to the floor, I have a few things I can say about it.

First, I thank the majority leader for making it possible for us to take up this bill at this time. I also thank the minority leader for his cooperation in that regard.

I thank the majority leader for keeping his word with respect to calling up this matter. I will have possibly a little more to say about that later, so I will explain what I mean in having said that.

I thank Mr. STEVENS, who was chairman of the Senate side of the conference, which occurred on the emergency supplemental appropriations bill a few weeks ago. I thank the House chairman of the conference, Mr. BILL YOUNG of Florida, for his many courtesies that were extended upon that occasion, and for his fairness in conducting the conference, and for his cooperation in helping to work out a way in which we could at that point let the emergency supplemental appropriations conference report be on its way and be sent back to the House and Senate for the final consideration of both of those Houses. I thank him for his efforts in bringing about an agreement whereby that emergency supplemental appropriations bill was let loose—if I may use that term—from the chains which at the moment had it locked in an impasse in conference.

The provision in this bill, which is before the Senate, and in which I am very interested, is what we refer to as the ''steel loan guarantee provision.'' There is a similar provision which Mr. DOMENICI was able to include in the bill, and it is similar to the steel loan guarantee except that it has to do with oil and gas. It provides a loan guarantee program for the oil and gas industry. He will more carefully and thoroughly explain that part of the bill later on.

Both of these provisions had been included in the emergency supplemental appropriations bill. Both of these provisions were in the emergency supplemental appropriations bill when it passed the Senate. Senators had an opportunity, when the emergency supplemental appropriations bill was before the Senate, to offer amendments to the steel loan guarantee language and to the oil and gasoline guarantee language. Senators had that opportunity.

No amendments were offered to those provisions when that bill was before the Senate. Those provisions were put into that bill when that appropriations bill, the emergency supplemental appropriations bill, was marked up in the Senate Appropriations Committee. Therefore, those provisions, as I have already said, were included in the bill when it reached the floor, when it came before the Senate. The Senate passed the bill. No amendments were offered to those provisions at that time.

That bill went to conference with the House in due course. It was a period of several weeks before the House-Senate conference took place on that bill. When the conference did occur, these two provisions—the steel loan guarantee provision and the oil and gasoline guarantee provision—were gradually put off until the very end of the conference.

The conference on that bill lasted for several hours over a period of 3 or 4 days. But it was the wish of both Chairman YOUNG and the chairman of the Senate conferees, Chairman STEVENS, to delay consideration of those two parts of the bill until other matters in the bill, other differences between the two Houses, had been resolved. As a consequence, as I say, it was toward the very end that we finally got around to those two provisions, the loan guarantee provisions.

In the conference, a vote occurred on the steel loan guarantee provision late one evening. I think the vote really occurred after midnight, so it was 12:30 or 1 o'clock in the morning of the next day that we finally voted on the steel loan guarantee provision, which had been written in the Senate Appropriations Committee, which had come before the Senate, which had been adopted by the Senate.

When that vote occurred, all of the Democratic conferees on the House side voted to accept the steel loan guarantee provision which was in the Senate bill; three of the Republican House conferees voted to accept the steel loan guarantee provision. So by a vote, I believe, of 13–10, the conference adopted the steel loan guarantee provision.

The next day when the conferees met, a motion was made to reconsider the vote that had occurred the previous late evening and the motion to reconsider carried. Two of the Republican House Members of the conference switched their votes from the previous position of supporting the steel loan guarantee to their new position of opposing that guarantee. As a consequence, my steel loan guarantee provision lost, I think, by a vote of 12–11. It lost by one vote.

An impasse prevailed. Senator DOMENICI's oil and gas loan guarantee provision had been rejected by the House conferees; on the second vote, the steel loan guarantee provision, which I had authored, was rejected by the House conferees. There was an impasse. The House conferees wouldn't give and the Senate conferees wouldn't give.

Therefore, rather than see the emergency supplemental appropriations bill die in conference, I suggested we have a recess and try to work out an agreement whereby we could find a way to let that emergency supplemental appropriations bill fly with its wings out of the conference, go to the President's desk. In that bill, there were appropriations for the military in Kosovo, there was a pay increase for the military, and there were various and sundry disaster relief provisions which were intended to help people in South and Central America and in the United States, as well—American farmers and so on. It was certainly not my desire to kill that bill; it was not my desire to delay.

I said: Let's have a recess, Mr. Chairmen—addressing my remarks to the two chairmen—let's have a recess and see if we can't work things out.

We had a recess and met down below, on the next floor of this Chamber, where we stand now. I met in the Appropriations Committee room with the House chairman, Mr. YOUNG, the Senate chairman, Mr. STEVENS, being present, along with the House minority, the ranking member of the House Appropriations Committee, Mr. OBEY, being present, and with the Senate minority or ranking member of the Senate Appropriations Committee, myself, being present, together with a couple of other House Members representing the majority and the minority and a couple of other Senate Members representing the majority.

It was there that we agreed to take our hands off the emergency supplemental appropriations bill and let it go to the President and be signed. We wanted a commitment that these two provisions which had worked their way through the legislative process, coming before the Senate, going to conference, be given a chance to pass and become law aside from the emergency appropriations supplemental.

I talked with our majority leader, Mr. LOTT, and our minority leader, Mr. DASCHLE. They both agreed that it was very important to let the emergency supplemental appropriations bill be on its way and that they would help me and Mr. DOMENICI soon get a free-standing appropriations bill up before the Senate which would have in it the steel loan guarantee provision and the oil and gas loan guarantee provision.

With that assurance from the two leaders here, I proceeded to ask Mr. YOUNG, the chairman of the House conferees, if he and Mr. OBEY and Mr. CALLAHAN, a Republican member of the House conference, could proceed to talk with the Speaker of the House and get a commitment out of the Speaker that would let us deal with a free-standing appropriations bill that would give these two provisions I referred to a chance for consideration in both Houses, and hopefully for passage in both Houses.

The Speaker committed himself to calling up the bill within 1 week if it came over from the Senate; committed himself, secondly, to appointing conferees in the normal fashion so that there would not be stacked conferees; committed himself, thirdly, to having a vote on a conference report on the measure promptly.

With those commitments, we let the emergency supplemental appropriations bill fly on its way to the White House and the Oval Office where it was signed into law.

Now came the time for the leadership and the Senate to keep its commitment. It did. That is what I was referring to when I thanked the majority leader a few minutes ago for having kept his word. He and Mr. DASCHLE kept their word. Of course, as we all know, the main responsibility and power rests with the majority leader in the Senate in things of this kind. Mr. LOTT arranged for us to call up this bill, have this bill before the Senate now. Cloture was invoked on it last Friday by an overwhelming majority, 71–28, on the motion to proceed. The motion to proceed was then adopted by voice vote. So the bill is before the Senate this afternoon.

I see my good colleague, Mr. DOMENICI, is on the floor, ready to proceed. Let me just add one or two things.

Having made the explanation here as to where we are, how we came to be here, let me say that because of the circumstances which have been obtained from the beginning and which I have outlined and which resulted in the two provisions in this bill having already been before the Senate, having passed the Senate, without amendment in the Senate, I would hope there would be no amendments to this bill by the Senate today.

The Senate has already had its chance to make a run at these two provisions. Senators have already had their chances to offer amendments to these two provisions when they were before the Senate in the emergency supplemental appropriations bill. Now the majority leader has carried out his commitment of helping to get the bill up. The minority leader has carried out his commitment. I hope we will have the support of the two leaders, but they have carried out the spirit of their original commitment.

Now the commitment by the Speaker remains. But he didn't make a commitment to this bill if it is loaded down with a lot of amendments when it goes back over there. He did not make any commitment on that score. Whatever we put into this bill, whether it be nongermane or germane, he made no commitment on that kind of thing. He made a commitment with respect to these two provisions, the steel loan guarantee and the oil and gas loan guarantee.

I want the Speaker to keep his commitment, but I want him to be able to keep his commitment. I don't want us to load this bill down with nongermane amendments and send them back over there. We can't expect the Speaker to keep his commitment on that kind of thing, because he didn't make any such commitment. He only made a commitment with respect to these two provisions. That is not saying that the two provisions cannot be improved. Perhaps they can be. And I may support an improvement. I think, if they were improved upon, the Speaker would, I have a feeling—I haven't talked with him—would still feel that came within his commitment. But we can't bring in an amendment by every Tom, Dick, and Harry and add it and let it run the gamut of whatever the subject matter may be, nongermane, and expect the Speaker to take this bill up within 3 days, or whatever it was, promptly after it goes over there.

So help us to help the Speaker to keep his commitment. I urge all Senators to be conscious of the facts as I have attempted to state them and see that we have an obligation. I think the Senate has an obligation, having passed these two provisions once, and in the face of losing my grip on the emergency supplemental appropriation bill. I had that bill in these two fists, and so did Mr. DOMENICI. We didn't want to kill that bill. But we let that bill go, as we should have done. After all, we are all interested, first of all, in our country, and we want to see legislation passed that is in the best interests of our country. Senator DOMENICI and Senator STEVENS and I, and other Senators on the conference, came to that conclusion. We did the right thing.

Now I think Senators have some obligation. I understand their rights. Senators have a right to offer any amendments they want. There is no rule of germaneness in the Senate with respect to circumstances as they prevail at this moment. But it seems to me there is an unwritten obligation on the part of Senators to play fair, and to play fair here is to let our provisions be debated, and if they can be improved upon, fine. But let's not muddy the waters by offering amendments that are not germane, because when we do that, as I say, we can't expect the Speaker just to take anything we send over there and let his commitment earlier govern his actions.

I think that is about all I have to say at the moment. I will have more to say on the steel loan guarantee provision later. Mr. DOMENICI, as I have already indicated, can far better explain the somewhat similar loan guarantee on the oil and gas provision.

I do have a luncheon I am supposed to attend. I am supposed to speak there now. I have discussed this with my friend. Senator DOMENICI has indicated that, if he can, he would watch the floor and help me to be away a little while. He has to be away some, too, as does Mr. STEVENS.

Having said that, I thank all Senators for listening. I thank my friend from New Mexico, who is a valiant comrade and colleague and formidable opponent and a very worthwhile and desirable supporter. I prefer to be on his side rather than not. I thank him for all of the courtesies and considerations that he has given to me in this bill, as well as in thousands of other instances in which we have worked together.

Mr. DOMENICI. Mr. President, before the Senator yields, could I have a little exchange so we could make the case that is very important, the case that the Senator just made?

Mr. BYRD. Yes. Yes.

Mr. DOMENICI. The urgent supplemental that passed the Senate, and the supplemental that included the Byrd-Domenici guarantee program, was not a frivolous supplemental.

Mr. BYRD. No.

Mr. DOMENICI. It was a big, powerful, tough supplemental, and urgent.

Mr. BYRD. Right. Exactly.

Mr. DOMENICI. Why? Because the President asked for $6.5 billion to replenish funds for the Kosovo engagement, which was being taken—by operation of law, nothing illegal about it—from other military needs. That is the way these things happen. The request was: Help us replenish it; give us the money.

Now, the point you have made is, we were in conference over that bill to which the Senate had seen fit to add $6 billion more for defense because we were so worried about preparedness, operational maintenance, and spare parts. So it was not just $6.5 billion urgent for defense; it was almost $12 billion.

Now, what you have said, my friend from West Virginia, you said we had a right, as conferees—and we had support—to say, let's get our part of this decided in this conference. And what would have happened? We could still, perhaps, be locked up in conference and the urgent money would be yet not decided upon, which funding, in fact, has already been signed by the President and is operating to help our military.

Mr. BYRD. Absolutely.

Mr. DOMENICI. We decided, at the request of our chairman, Senator TED STEVENS, to find a way to let that urgent bill go and relinquished our right to bring that back in disagreement, if we wanted, and have some more votes on the issue.

I have done that in my life. The Senator has done it a number of times: OK, we are going back to the bodies again and vote again. They would have had to have voted on our amendment there.

Mr. BYRD. Precisely, they would have.

Mr. DOMENICI. They would under law, under the rules. We said we would give that up, provided—and you stated the proviso. The proviso was that we be here today, just as we are, with this bill freestanding. We now have it here properly, over long threats for long debates, because the Senate overwhelmingly said: Let's get on with it; even if we don't vote for it, we want to get on with it.

So it's urgent that everybody know it's here again with the Senate already having voted for it.

Mr. BYRD. Yes. Yes.

Mr. DOMENICI. They voted for that bill, with large, large support, which had our amendments on it.

Mr. BYRD. Yes.

Mr. DOMENICI. So the Senate already voted for this.

Mr. BYRD. Yes.

Mr. DOMENICI. Then it is over there in conference. We have a right to keep it there.

Mr. BYRD. Yes.

Mr. DOMENICI. We have a full-blown argument between the House and Senate. We said, no, the defense money is more urgent. That was the national interest.

Mr. BYRD. That is right.

Mr. DOMENICI. So we said, OK, we will do that, but we ought to have a vote someday.

Mr. BYRD. Absolutely.

Mr. DOMENICI. That is why we are here, and that is why you are saying: Why do we have to have so many votes on items that are not germane to this bill? This is completing a job that was started in the Senate and it broke off in the conference in the interest of a bigger problem—to wit, adequate funding of defense—but we had a commitment we would get a vote.

Mr. BYRD. Yes.

Mr. DOMENICI. I am not saying we had a commitment that it would pass. That is our job, with the help of Senators.

Mr. BYRD. No. No.

Mr. DOMENICI. I am not suggesting the leader or anybody said there would be no amendments.

Mr. BYRD. No. No.

Mr. DOMENICI. We are talking about what is next, what is fair, what is the follow-on to what we did, remembering all the time that whatever arguments are made, the Senate voted overwhelmingly to pass the bill.

Mr. BYRD. It did.

Mr. DOMENICI. With these two guarantees in it.

Mr. BYRD. Yes. I yield the floor, but may I say before yielding that the bill that is before the Senate is here through orderly procedures, it having been reported from the Senate Appropriations Committee in due course, and that is where we are now. I thank the distinguished Senator.

Mr. DOMENICI. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. I have sought recognition to support this bill, because I believe that a real need has been shown for these loan guarantees, certainly for the steel industry, and I believe for the oil and gas industry as well.

Senator BYRD and Senator DOMENICI have outlined the procedures which were followed in the Appropriations Committee, and I was part of that conference. The conference worked one night until past midnight, and this provision was the subject of debate.

Coming in the Senate bill, the House of Representatives accepted it after some substantial consideration, and then, as has been specified, some votes were changed. The Speaker of the House of Representatives was not pleased with this provision. The House of Representatives then changed its position after having agreed to this amendment. Then we were faced with a very difficult problem of a stalemate as to what would happen with the Senate insisting on this provision and the House opposing it. We were faced with the need to get this emergency supplemental appropriations bill to finance the military operations in Kosovo.

The meeting finally eventuated in a very small session in S–128 downstairs where Senator STEVENS was present, Senator BYRD was present, and I was present representing the Senate. There were a few of the House Members. It was a very tough bargaining session.

Senator BYRD finally agreed, in the interest of moving the bill, and we all agreed, to take this particular amendment off in order that the provisions as to financing the military operation in Kosovo could go forward. The arrangement was made that this other legislative vehicle would be available to bring the bill back up for consideration by the Senate.

Senator DOMENICI has just outlined the absence of a commitment on the vote, and I think that is, candidly, a generous position. There is a basis for contending that this amendment should be placed in the same position where it was prior to being taken off the earlier bill. If that is to be so, then this amendment will be agreed to and it will go back as the Senate's position for a conference with the House, with the House having first accepted it and then having rejected it.

Whatever may eventuate in this Chamber today obviously remains to be seen in accordance with our rules.

On the merits, I believe that is a sound proposal. The steel industry has been very hard hit over the past several decades with dumped and subsidized steel coming into the United States. The dumped steel ought not be tolerated. It is against our trade laws. It is against international trade laws. But, the dumping continues in great volume.

That dumping has, in the immediate past, cost the jobs of thousands of steelworkers and caused tremendous lawsuits to the steel industry, which is a threat not only to the economy and to jobs and to profits, but also a threat to national security.

It is one thing to have dumped steel coming from Russia at the present time where the Russian economic situation leads them to sell at virtually any price to get dollars, but if a national emergency arises, are we going to get steel from Russia?

We have dumped steel from Brazil, from Korea, from Japan, and other countries. In times of national emergency, are we going to rely on those other countries as a source of supply?

The steel industry once had some 500,000 workers and was an enormous industry in the United States. Over a period of time, that number has dwindled down to about a third—less than a third, actually—about 150,000 workers. The steel industry has capitalized with some $50 billion to be very competitive. But you cannot compete against dumping. You cannot compete against a seller who will sell at any price. That is why the steel industry is in the very serious condition it is today.

Mr. BYRD. Mr. President, will the distinguished Senator yield without—well, I guess the RECORD will have to show an interruption.

Mr. SPECTER. I yield to the Senator from West Virginia for any purpose under any circumstance.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He is always a gentleman.

Mr. SPECTER. I retain my right to the floor. I had a lengthy debate with Senator BYRD about that many years ago when you had to retain your right to the floor. Senator BAYH has been patient, and I am glad to yield unconditionally.

Mr. BYRD. I merely want to thank the distinguished Senator for his support in this matter. He comes from a State and represents people who are very much like my State and my people. He understands the problems of the steel industry and the fact that many steelworkers have been laid off, others have lost their jobs permanently.

I have to leave to be elsewhere for an hour or so. I will not be able to listen to the Senator's speech. That is why I interrupted him, to apologize for not being here to hear his speech, but to thank him for speaking, thank him for his support in this matter, and also to express my exceedingly high regard for him as a Senator, as a gentleman, and as someone who is dedicated, sincere, conscientious, and always courteous and helpful.

Mr. SPECTER. I thank the distinguished Senator from West Virginia for those kind remarks. Our seats are pretty close on the Senate floor as evident if the television picture catches both of us, and I am sure it will. I walk over very frequently to confer with Senator BYRD on constitutional issues. Occasionally, he calls me his attorney general. He just gave a nod in the affirmative——

Mr. BYRD. Absolutely, I admit to that.

Mr. SPECTER. I only got to be a district attorney. Senator BYRD and I have a long, unguarded border with southern Pennsylvania and northern West Virginia. We intend to keep it that way, especially if we can keep the steelworkers employed.

I will be relatively brief, and I know the Senator from Indiana is waiting to speak and the Senator from New Mexico. The Senator from New Mexico has spoken. If I know his practice, he may speak again. There may be some additional occasion.

We have had a very grave time in the steel industry with the loss of jobs. This is a relatively modest proposal. It is a loan guarantee proposal, and the borrowers have to provide collateral. The borrowers have to pay the fees.

I believe this program can be administered in a way that the loan guarantees will not be called into play. That, of course, is a speculative matter. The reality of the situation is, if the companies cannot borrow commercially and have to have a loan guarantee, there is some element of risk. But I believe that is a fair proposition.

The loan guarantee has been structured in a way to provide for collateral; that is, assets will have to be put up by the borrowing companies. Collateral means to fall back on if the borrower defaults; the collateral can be used to satisfy the loan.

The payment of fees is another provision to save the Government of the United States costs. The situation has been recognized by the House of Representatives when it voted in overwhelming numbers, close to 290 votes, in favor of the steel quota bill; less than half of that in opposition.

I have pressed legislation over the years which would provide for an equitable remedy to stop dumped goods from coming into the United States. In the early 1980s I had a legislative proposal to provide for injunctive relief, where the injured party could go into court and get relief within the course of a few weeks instead of many months or even years, which we now have under the procedures of the International Trade Commission. That legislation is pending now. It has been revised to provide for duties instead of injunctive relief to be GATT consistent.

I believe the companion provision here offered by Senator DOMENICI on loan guarantees for the oil and gas industry is solid, especially for the small producers who have had a very difficult time.

Years ago, my father had a used oil field supply business in Russell, KS. It really was a junkyard. At that time I had some experience with the small producers in the oil patch. I know that they have difficult times, too, and that this loan guarantee program makes sense there as well.

I thank my colleague from Indiana for awaiting my recognition here. I thank the Chair and yield the floor.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Indiana is recognized.

Mr. BAYH. Thank you very much, Mr. President.

I commend my colleague from Pennsylvania for his very persuasive remarks. This is a major industry in both of our States. We both share a commitment to dealing with this issue. So I appreciate your leadership very much, I say to Senator SPECTER.

Mr. President, I rise today in support of the Emergency Steel Loan Guarantee Act. I would like to begin by commending our colleague, Senator BYRD, who had to leave for just a brief period of time for other pressing matters. I commend him for adopting an approach that is not just good for West Virginia, not just good for the steel industry, but good for the Nation.

Senator BYRD's dedication to doing what is right for America, and not just the narrower parochial concerns, was evidenced very clearly in the colloquy we heard between Senator DOMENICI and Senator BYRD in which Senator BYRD was going to accommodate the national interests in allowing a supplemental appropriations bill to go forward at a time our Nation was involved in military action abroad. That is indicative of his lengthy record of national leadership.

As further evidence that the approach favored by Senator BYRD and Senator DOMENICI, and others of my colleagues, is the correct approach, I am pleased to identify several Governors who have written to endorse this legislation. The list will demonstrate that it has broad regional support from the East to the West, from the North to the South. Not only my own Governor of the State of Indiana, but the Governor of Maryland, the Governor of Pennsylvania, the Governor of Illinois, the Governor of West Virginia, the Governor of Iowa, the Governor of Utah, and the Governor of South Carolina have written to express their strong, unequivocal support for taking immediate action to address this very critical situation.

Likewise, I urge that this bill be passed expeditiously and without amendment. We have a crisis on our hands. It is very important that we not get bogged down in other extraneous matters but that we move this legislation forward unencumbered.

I sometimes wonder what citizens think when they view us at our work here. We have prerogatives, of course. We have rights, of course. But it is important at this time, with the situation in the oil and gas industry, with the situation in the steel industry, that we move this bill forward cleanly and expeditiously and, I for one would hope, without amendment.

I know something about this issue, having served as Governor of my State for 8 years and now in the Senate. Indiana happens to be the largest steel-producing State in the United States of America, producing more tons of steel than any of our 49 sister States. We currently have approximately 30,000 working men and women employed in the steel industry in Indiana. These are good-quality jobs, with high wages, high benefits, the kind of employment around which you can raise and support a family and a decent quality of life.

Many communities in our State, particularly in northwest Indiana, are dependent upon the health and vigor of this industry for their very livelihoods. The last 20 years or so have not always been good times for the steel industry across our State or across our country. In my State alone, over the last 20 years we have seen tens of thousands of jobs disappear. Our market share has shrunk. Perhaps some of this was inevitable, but perhaps some was not.

There was a point in time when the industry had to acknowledge its fair share of the blame for the state of affairs. They perhaps had been too complacent, had not made the investment in the latest technology and equipment to be world-class competitive. But those days and those arguments no longer apply.

This industry and the workers who labor within it have invested hundreds of millions of dollars, billions of dollars, in the very latest kinds of equipment, the latest technology. If you

tour the steel mills across our State, and elsewhere, they are state of the art, world class, world competitive. We are in a position today where we can produce steel of the highest quality, at an internationally competitive price, if it is fair competition.

But, as we all know, since last year the competition has been anything but fair. Given the collapse of currencies across Southeast Asia, many of those countries were desperate—desperate to export their steel and to gain hard currency under any terms, in any circumstances. A flood of illegal—and I stress ''illegal''—imports began to come across our shores.

Just this week, our Government has indicated that Japan has been involved in illegal trade practices. And there were other countries cited for this activity before that. This is just the latest evidence of the kind of unfair and illegal trade competition we have been facing since at least last year.

The consequences have been very damaging. We have had several companies go out of business, thousands of jobs lost; and once these companies shut their doors and close down, once their jobs are lost, in all likelihood they will be permanent losses to our economy, with consequences to these families and these communities that go way beyond the economic toll.

This legislation is a balanced approach to dealing with this problem. It is fair to taxpayers, because the costs are offset with reductions elsewhere. It requires the loans to be repaid in only 6 and a half years, which is a relatively short period of time for major loans of this nature. There is a panel established to scrutinize every loan before it is given to make sure that the recipients are creditworthy and, in fact, that the taxpayers will be ultimately repaid.

Before closing, I will say just a couple more words about this bill because, as I mentioned, the consequences are national. In my own mind, they deal with trade and other industries as well. I personally believe that free and fair trade and competition is good for our country. It is good for consumers—with higher-quality, lower-cost goods at their disposal. It is good for our economy, because it forces us to be competitive and productive. In the long run, it leads to the most efficient allocation of resources.

But when trade is illegal, when other countries undertake steps that are not fair, are not just, and, any economist would say, in the long run do not lead to an efficient allocation of resources or a good deal for consumers or working men and women in this country, that is the kind of thing where we must take a stand.

If I am to go back to the citizens of my State and argue why free trade is in our best interest, it must go hand in hand with vigorous enforcement of current law and helping those industries that have been targeted by illegal activity. I emphasize that the pernicious effects of this illegal dumping will last a long time after the dumping has stopped.

Many of our companies have been permanently weakened. If we do not take these steps to allow them to get back on their feet, to allow them to overcome the consequences of this sort of illegal activity, who can say who will be next? Quite possibly, one of our foreign competitors will say: I'll pay a few fines in the short run, bear that short-run cost to permanently, in the long run, weaken American competitors.

That is not right. This loan guarantee program will allow these companies that have been harmed by this illegal activity to get back on their feet, to regain their competitive standing, so that we will have free and fair competition moving forward.

So, in conclusion, this is a bill of national consequence, not just to any one State or region; its interests go way beyond the steel and natural gas and oil industries to affect literally the long-term well-being and competitiveness of the American economy as a whole. That is why I strongly urge my colleagues to adopt this legislation, to do it now, and to do it without amendment.

Thank you, Mr. President, for your patience, your time. I thank Senator DOMENICI for his leadership on this issue, and many others as well.

I am now pleased to yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is the first time I have had a chance to say this on the floor, but while you were in the House serving in various positions, there was a Senator here with the same last name as the junior Senator from Indiana—Birch Bayh. He sat right over there.

Many a time we were on the floor arguing, debating, sometimes agreeing, sometimes disagreeing. So he can read it in the RECORD, I say to my good friend, former Senator Birch Bayh, he did a great job in producing such a son. He was always so proud of him, telling me about him. I am very pleased I have a chance to serve with him. I look forward to that, because I think he has a marvelous, level head, and very good common sense. I say that as if that is an exceptional quality around here. I didn't mean to say that. If that is what I said, it is OK.

Mr. BAYH. The Senator could not have given me higher praise, Mr. President. For that, I am personally and eternally grateful. It has been a privilege for not only me but for my family to serve with you. You have always been a man of decency, courage and honesty. For that, we are very grateful. I look forward to serving with you for many years. On behalf of both my father and myself, I thank you for your courtesy.

Mr. DOMENICI. Mr. President, I just want to put the word out, Democrat or Republican, whoever has amendments, this bill is subject to amendment. Senator BYRD has expressed the desire that we try to keep it to germane amendments, but that is not the rule. It is up to Senators. I am here on the floor. While many may think I don't have to eat, because other Senators are slimmer than I, and could probably go without lunch more often, I would like to be working. I hope we have something to do. I urge that people get their amendments to the floor and start discussing them. There are a number of them that we want to talk about, with Senators GRAMM and NICKLES, whenever they are prepared to discuss items with us.

I am going to suggest the absence of a quorum. I do have a few minutes I could use up with some comments about oil and gas, this bill, but I truly ask, if there are no Senators that want to offer amendments or speak, I will send word to the leader that we should have a recess for a few minutes to see if we can get some amendments to the floor. In any event, somebody will be here one way or another waiting.

Before I finish and ask that my request for a quorum call be announced, I note the presence of the junior Senator from Alabama. I wonder if he would want to comment on something.

Mr. SESSIONS. I would like to comment on the bill, but if we could have a few minutes for a quorum call, that would be good.

Mr. DOMENICI. You may have as much time as you like.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, what is the parliamentary situation? Senator DOMENICI is managing the time. Are we ready to hear a statement from Senator SESSIONS and waiting on an amendment to be offered?

Mr. DOMENICI. There are no time limits, I say to the Majority Leader. We were waiting for amendments.

Mr. LOTT. I encourage Senators who are working on amendments to come to the floor. I know of two or three amendments that are being prepared. Perhaps one of them could go ahead and be offered. There is at least one that would be pretty simple. It would be to strike the emergency provisions. So it doesn't take a lot of preparation. We could go ahead and continue to make progress.

We need to finish this bill today. If we do not get our work done during the daylight hours, we will be here tonight. That is OK, if we have to do it, but if it is not necessary, it would be preferable we work during the day. I know the Senate likes to return to its nocturnal habits, but I hope that will not be the case. If there are two or three or four good amendments to be offered, let's bring them out on the floor. Let's have an hour debate, and let's vote. Then let's get to final passage on this issue.

I am glad that Senator SESSIONS is here and Senator DOMENICI. I know we

all need to get a bite to eat. If we could keep this moving along, I think it would save us some time tonight. I thank our colleagues for their cooperation.

I will go and make a call to Senators that I know have amendments. I urge them to come on out and have the amendments offered, and then we could make some progress.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished leader. I am trying very hard to stay here and do my part, and I hope Senators will heed his admonition. We would like to finish.

I yield the floor.

Mr. SHELBY. 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. SHELBY. 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. SHELBY. Mr. President, I think we need to make a couple of things clear today about the bill before us and why it is so important to so many people.

First, I am a strong supporter of free trade, trade that is free and fair. I believe this bill is completely consistent with those basic principles. But while we engage in free and fair trade, many countries in the rest of the world do not abide by those same principles. We have trade laws to address this, but, as the distinguished Chair knows, they are slow to address the kind of serious economic injury that faces many companies and communities in America.

We can't afford to lose more industries to illegal trade practices, particularly the two we propose to offer short-term support to today: oil and gas and steel.

Second, I believe this is a reasonable response to a terrible crisis that threatens more than just companies but whole communities across America. This bill does not propose quotas. Indeed, it is GATT legal, and it is intended to provide only a short-term loan guarantee.

This is not some radical idea. Federal loan guarantees are used every day in the farm industry, the housing industry, the small business community, and for foreign countries. So let's be clear about how anathema this is to our free trade principles, because we do this all the time.

Third, this program is not a Federal handout or Federal grant or Federal award or Federal subsidy which Congress provides daily and, I might add, to millions of companies and organizations and industries in this country. It is a short-term loan guarantee program that provides that every dime—yes, every dime—is paid back. Contrary to some representations, the risk of the default is not that great, according to the Congressional Budget Office. Based on these calculations of cost, however, the program has also been completely offset.

Finally, I think it needs to be reemphasized that this program is not going to solve long-term problems that may face some companies in this industry. That is not what this is about. It is about trying to minimize the serious economic side effects that illegal trade practices have exacted on several companies in the steel industries. If this program helps one company get through this tough time until our trade laws address these illegal practices, and if it saves one community in America, it will be worth it.

Mr. President, I believe Americans deserve to be treated fairly—and not inordinately suffer the consequences of our inability to minimize and protect against continuous and systematic illegal trade practices of other countries.

I urge my colleagues to support this short-term loan guarantee program, and I thank the Senators from West Virginia and New Mexico for their leadership in this area.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am pleased to join with the senior Senator from Alabama as we support this piece of legislation that I believe will help the American steel industry. It is not an industry that has stuck its head in the sand, that has failed to modernize, that is not competitive. The steel industry has gone through very difficult times and has, in fact, been able to make itself competitive and is able to sell steel products in this country cheaper than foreign imports can be sold here. That is good for America because it means that Americans are working to produce that steel. It is an important thing for this country.

I really want to say that I have visited Gulf State Steel in Gadsden, Alabama, where my wife grew up. It is the largest employer there, 1,800 or so people. I have visited there at least three times and I felt the fire in that furnace. I met with the people who work there. They are producing steel at world class competitive prices, and they are continuing to get better. They are going to continue to get better. But we have had this circumstance of a crisis around the world in foreign countries, desperate for American dollars, and they have sold their steel here below cost.

You may say, well, that helps the automobile industry, or whatever. Maybe you could make that argument. It is an economic argument that people like to make. But I suggest, and believe strongly, that what is happening is we have a potential in this period of dumping to destroy significant segments of our steel industry, which will in the future, and soon, be competitive again. Do you see what happened? Through these cut-rate imports, sold below cost, it can sink companies like Gulf State Steel. They are struggling to survive. Many of these people have been working at that steel mill for many, many years. Some of them are children of people who worked there. If they weren't competitive, OK; but they have been competitive. They have made the needed changes, and this short-term dumping has the ability to sink those companies. This loan program, I believe, will deal with that.

There is no doubt that dumping has occurred and that it has materially injured this industry. There is no doubt that the Clinton administration knew that illegal dumping was occurring, and they failed to take the kind of decisive action that would have ended the problem months ago. So I am offering my support for this bill, which will take a modest step toward helping steel companies and small oil and gas companies who have been victimized by illegal dumping.

The Department of Commerce has determined that illegal dumping of steel into the U.S. market began in 1997. During the fourth quarter of 1997, there were 7 million tons of steel imported. But within a year, that number had totaled 11 million tons, which is a 55 percent increase. Is that explained because of some technical breakthrough by foreign competitors that reduced their costs? Did American steel companies who have been on the cutting edge of efficient production suddenly revert to outdated production methods? Did U.S. steelworkers, who produce more steel per worker than any other in the world, lose their edge? The answer is no.

U.S. steelworkers and companies did not lose a share of the market because of inefficiency or a sudden improvement in the competitors' efficiency. The steel that came into our market was below production cost prices because countries like Russia, Brazil, Japan and Indonesia were subject to a currency crisis and needed U.S. dollars. Because the administration had a history of not enforcing these trade laws, sometimes as a back doorway to implement foreign policy goals, our overseas competitors saw an opportunity to dump steel and get this hard currency. Unfortunately, our foreign policy goals came at the expense of steelworkers and their families. Despite repeated calls from Congress, including myself, there has been an insufficient response to date.

Even in the face of indisputable evidence that dumping was occurring, we have not stopped the wave of illegal imports flooding our shores. In November of 1998, the U.S. International Trade Commission, an independent commission that examines illegal trade practices, determined that dumping as defined in that agreement was in fact occurring. It was not until 4 months later, and over a year after the problem was first identified, the Department of Commerce finally began to enforce

trade laws and placed a tariff, a preliminary dumping margin, on steel imported for Brazil and Japan in February of 1999. This enforcement action was narrowly focused and left out some of the biggest countries, such as Russia, which were found to be dumping steel on the U.S. market. Adding insult to injury, the Secretary of Commerce entered into a suspension agreement with Russia. The practical effect of this was to end the Department of Commerce and the International Trade Commission's trade investigations of Russia. It did nothing to discourage future dumping by Russia or any other country. In fact, the suspension agreement may have actually rewarded Russia for its illegal trade practices by sending the stark message that there is no adverse consequences for committing or attempting to commit trade crimes against the United States. The worst that may happen if you commit trade crimes against the U.S., under this climate, is a polite request through a suspension agreement to please stop.

The administration's actions have been too little too late. The suspension agreement should be viewed as an ineffective method. This action will undoubtedly lead to additional dumping by other countries. Thousands of good jobs in this country have already been lost. The pattern of poor action and inaction taken by this administration will undoubtedly set groundwork for future job losses and create a crisis that we need to be concerned about.

The United States must not sit idly by and allow its economic strength to be damaged by consistent, unfair trade practices. We must respond to that. In Alabama, there are a number of steel companies that have been injured. Gulf State Steel, as I mentioned, in Gadsden has been directly impacted by imports. As a result, employees and families have been faced with increasing uncertainty about the future of their very facility. The production methods used and the caliber of the workforce at Gulf State and other steel plants—many of them are in Alabama—make this industry one of the most efficient in the world. Alabama steelworkers can compete effectively with other countries in the United States and indeed throughout the world. The current financial problems faced by our domestic steel makers are not the result of poor management, outdated equipment, or an underskilled workforce; rather, it is the direct consequences of illegal dumping of foreign imports into the United States. If Gulf State Steel was to cease operations as a result of illegal dumping, it would force dismissal of nearly 2,000 workers. According to an economic impact study conducted by Auburn University, the economic impact of a plant closing would be staggering to Etowah County, which has already seen one plant close of 1,300 people. Direct job losses would exceed 1,800 workers. Indirect job losses would total 3,020. Statewide job losses would total 4,820, and the overall economic impact on Etowah County would exceed $300 million. This is just one example of the crisis dozens of steel companies now face throughout the United States.

The steel, oil and gas loan bill we are considering today is a modest solution to assist these companies that have been already injured by illegal trade practices.

It is not a handout. It is not corporate welfare. It is a loan program designed to give these companies which might otherwise be faced with bankruptcy—some are faced with bankruptcy right now—an opportunity to recover the damages they have suffered at the hands of unfair trade practices.

While this bill would authorize a highly qualified board to offer heavily secured loans to the distressed owing up to $1 billion, it will not cost $1 billion. The Congressional Budget Office has put the total cost at $247 million. The Congressional Budget Office takes into account the fact that some companies which might receive loans have been damaged beyond the point of recovery, which could result in some defaults. But the cost of inaction is much greater. In Etowah County alone, Auburn University's economic study put the cost of bankruptcy for just this one steel company at over $300 million. This figure doesn't even account for the tremendous social costs associated with the loss of jobs and income to families employed by this company.

I want to say I support free trade. I do not believe in providing unjustified economic assistance to companies. I don't believe in erecting unwise and unjustified trade barriers.

This bill would not hurt free trade. It would instead provide modest assistance to the companies and their employees who have been injured by the rampant proliferation of illegal trade practices that we have permitted to occur, and that this administration has permitted to occur too long.

I believe that we have a situation much akin to maybe people on the edge of water, a body of water. The water doesn't reach their level, and they have been able to survive and live for a long time. But a giant wave comes along one time, and the wave hits them with such an impact that they are knocked down and they are destroyed. We have had a wave of illegal imports. It has been declared by an agency to be illegal. That wave that hit our country has destabilized and undermined the strength of a number of different steel companies and, therefore, jeopardized the jobs of many Americans and incomes to the country.

When you are in bankruptcy, it is hard to get a loan. It is hard to get financing if you are in bankruptcy, or on the verge of it. So this would allow these companies to get this income to continue to operate.

Once we end the dumping, we are going to be back to a circumstance in which they can continue to operate and make a profit, as they were before this occurred.

I believe it is justified.

I see the senior Senator from West Virginia, Mr. BYRD, who has worked so hard, and Senator DOMENICI and others. I am pleased to support him in this effort. I believe that somehow, some way, when this thing is over, we will have been able to provide some assistance to these companies to enable them to survive and continue to be productive contributors to our Nation's economy.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I also thank the very distinguished Senator from Alabama, Mr. SESSIONS, for his comments and for his work on this bill. I thank, as well, Mr. SHELBY, the senior Senator from Alabama, for his support and for the work that he has contributed to this legislation.

I feel very good about having their support. They are both very able Senators, and they are utilizing their talents in the best interests of the Nation in supporting this legislation.

American steelworkers earn their daily bread by the sweat of their brow. That is in accordance with the edict that was placed upon man when God evicted Adam and Eve from the Garden of Eden. Steelworkers are earning their daily bread by the sweat of their brow amid the glow of productive glass furnaces filled with molten steel. American fortunes were built on their backs. Their collective might forged a national defense and a national economy second to none.

Today, after almost 20 years of downsizing and rightsizing and modernizing, just 160,000 steelworkers are employed in state-of-the-art American steel mills, compared to some 400,000—400,000—in 1980. The industry, which retooled to adapt to international market changes, is now a world class—a world class—competitor, even while adhering to high U.S. safety, labor, and environmental standards. But the ranks of American steelworkers, it appears, are in danger of future cuts that could undermine their ability to support U.S. priorities.

This situation is not, as some would have us believe, due to a failure of the steel industry to economize or to increase efficiency. America's steel industry serves as a model in the art of modernizing to enhance competitive prowess. America's steel producers have sacrificed, they have trimmed, and they have automated, investing nearly $60 billion in the process. In return, they have been forced to compete on a playing field that is tilted—tilted—by the weight of the unfair and illegal trade practices of foreign competitors.

Last year, a record 41½ million tons of cheap and illegally dumped steel

flooded the U.S. market. Piles of this foreign-made, below-cost steel amassed at our ports. It drove U.S. producers to drop prices, to impose layoffs, to shut down furnaces, and to slow down production.

Those cold mounds of steel represented an 83-percent increase in the amount of steel imported into this country—83 percent over the 23 million tons, on average, imported in each of the previous 8 years.

Contrary to some reports, this Congress was notified of signs of a potential flood of both legal and illegal steel imports in January 1998. I, in conjunction with the Senate steel caucus leadership, have worked during this year and a half to lay a foundation that would provide meaningful help to the U.S. steel industry. The chairman of that steel caucus is Senator SPECTER, and the ranking member, or vice chairman, is my colleague from West Virginia, Senator JAY ROCKEFELLER. I have joined the Senate steel caucus in writing numerous letters to the administration and in holding hearings and discussions to provide testimony about the impact of the crisis.

I commend Mr. SPECTER and my colleague, Mr. ROCKEFELLER, on the work that they have done.

Although prices for steel have been dropping below domestic manufacturers' costs to produce due to the flood of imports, the U.S. market still offers an outlet for surpluses generated by very sharply depressed demand in Asia and elsewhere. A poor market is better than no market, so rather than idle their own furnaces and mills, foreign exporters are flooding the U.S. market. The United States was the principal destination in 1998 for Japanese-finished steel mill exports that were diverted from the depressed Asian market—to the tune of 4.2 million tons of the 4.7 million tons that Japan had exported to Asia just 1 year earlier.

In 1996, Japan exported just 18,190 net tons of hot-rolled sheet steel to the United States each month, on average, a modest increase over 1995. But, in 1997, that figure of 18,000 net tons rose to 43,095 net tons each month, on average. From January through September 1998, that average monthly figure had skyrocketed to 192,812 net tons. Over the same period, however, the value of each ton of Japanese hot-rolled sheet steel fell, from $460 a ton in 1995, to $409 in 1996, to $367 in 1997, to $295 a ton in 1998. At the same time, Japan's domestic market remains virtually closed to foreign steel, allowing Japanese steel mills to command unusually high prices at home.

A similar story can be told in the case of Russian hot-rolled sheet steel. In 1995, the average monthly import volume was 46,661 tons. In 1996, that figure had climbed to 67,587 tons per month. In 1997, it was 165,268 tons per month, and from January through September 1998, the average monthly import volume of Russian hot-rolled sheet and plate-in-coil steel was 286,311 tons. At the same time, the price per ton fell from $316 in 1995 to just $240 in 1998. That is a lot of cheap steel to absorb, and that is just one particular type of steel product.

Our government's response to this threat was to handle cheating—cheating—foreign competitors with kid gloves due to concerns that the economies of those foreign nations have been in distress.

Now, who pays our way here? Who pays the fare for our trip from Sophia, WV, to Washington, DC? Who pays the fare from Arkansas to Washington, DC? Who pays the fare from Kansas, for those who represent Kansas in the Congress, to Washington, DC? Not those foreign competitors, I can assure you, as far as I am concerned. They don't pay our way. They don't pay our fare. They don't pay us. We are not on their payroll. The people of West Virginia send me here, and the road that leads to Washington leads back home.

I am going to be first, last, and always interested in the people of our own Nation who look to us for leadership, look to us to help them with their problems—not the foreign competitors.

The argument has been made that caution must be exercised so as not to push these teetering economies over the edge. I understand concerns about the intertwined economies of an increasingly global marketplace, but my heart will not bleed for cheaters. My heart aches for those American men and women who have worked and sacrificed and followed the rules, only to have their futures and the futures of their families, their communities, and their steel industry thrown into question.

The illegal dumping of steel on American shores is real. It is not imaginary. It is not something we are just dreaming about. It is not something we are seeing visions about. It is real. The crisis does exist.

Our domestic steel industry has been seeking remedy through antidumping and countervailing trade cases. The Commerce Department has ruled on or is investigating cases against Japan, Russia, Brazil, South Korea, France, Italy, India, and Indonesia. On June 11, just last Friday, the International Trade Commission, by a 6–0 ruling, found that imports of dumped hot rolled steel from Japan are ''materially injuring or threatening material injury'' to the U.S. steel industry.

Based on this determination, duties will be retroactively applied to imports from Japan that enter the United States after February, 19, 1999, but the international trade system established to help domestic manufacturers recover from trade-induced damage has thus far failed our steelmakers. The process is too painfully slow.

When I was a boy I read a book, ''The Slow Train Through Arkansas.'' We are talking about a slow process here, and it has failed our steelmakers. The process is too painfully slow to avert long-term financial disaster for many U.S. steel mills.

One of the opponents to this bill said the other day: Well we have a process here.

Yes, we have a process. I am saying it is too painfully slow to avert long-term financial disaster for many U.S. steel mills.

That is why we have come to the floor with this bill, this provision that will help in the short-term. Damage must be done before a case can even be filed. Now, that is the process; damage must be done before a case can even be filed, and the investigation and the adjudication takes months.

Even if our steel companies succeed in getting our trade laws to support them by levying tariffs on unfair competitors or otherwise reducing their attempts at undercutting our domestic market, these steel mills will not receive any of those tariffs to make up for their losses or to help out their workers. The damage has been done. The damage has been done.

At best, they will get an eventual reduction of illegal imports that will allow them to compete in their own country, at least until some other nation decides to flood our markets. It is not fair. It is not right. It is not right for our steel industry. It is not right for our steelworkers. It is not fair to our steelworkers. Nor will communities that are hard hit by layoffs and threats of layoffs receive any direct compensation from the tariffs that are paid by illegal dumping. The damage has been done.

The little community of Weirton has been hard hit. The Weirton Steel Company employed 14,000 men and women a few years ago; today, it is down under 5,000. The Weirton Steel Company is the lifeblood of Weirton, WV. Without it, the community would be dead, dead, dead!

There are other communities. But these communities, as I say, that are hard hit by layoffs—and there have been additional layoffs at Weirton; 800 steelworkers laid off since last November because of this illegal dumping of below-cost steel into American ports by those foreign countries that wave their nose at the trade laws. Communities hard hit by layoffs and threats of layoffs will not receive any direct compensation from the tariffs paid by illegal dumpers. Now, that is the process. They say, well, let the process work.

The recent years of uncertainty that deterred people from buying houses, buying cars, buying anything they might have to finance longer than their job might last, no one can make up for those kinds of losses that ripple through a community, affecting jobs, affecting lives that are directly linked to a steel mill paycheck.

This crisis may not be abating, as some would have us believe. Foreign steel markets are not yet rebounding to their previous levels, and oversupply remains very high. Nearly all of the recent import declines are due to antidumping cases against just three countries. Historically, such cases have

eventually caused increased imports from other exporters and for other steel products. We have seen that in this instance, as well.

When the Commerce Department investigates import surges of a particular type of steel from a single source, that exporter temporarily cleans up his act. You see, he gets religion fast. He cleans up his act with regard to that particular type of steel. But he makes up for it. The right hand doesn't know what the left hand is doing in that case. While he cleans up that act, he makes up for it by flooding the U.S. market with a different steel product that is not under investigation, or another nation steps in to fill the opening provided by tariffs placed on a foreign competitor.

So no sooner is one dog leashed than another dog is on the attack. For many months, manufacturers and steelworkers lobbied and protested and cried: ''Help me, Cassius, or I sink!''

They protested and tried every conceivable approach to draw the U.S. Government's attention to their plight, and their pleas were met by dawdling and disbelief.

We cannot afford to continue hemming and hawing, as the fires die down in the blast furnaces at Weirton, WV, or in Illinois or Indiana or Missouri or Alabama or Pennsylvania or Ohio. This is an emergency. That is why it was put into an emergency appropriations bill. It requires urgent action. We have responded to emergencies in other industries and in other nations; why can we not respond to a critical situation in our own steel industry?

Do you remember the story of Joseph and Mary, who went from Nazareth up to Judea to pay their taxes? They went to Bethlehem. Their baby was born and wrapped in swaddling clothes and laid in a manger. Why was it laid in a manger? Because there was no room at the inn. There was no room for the baby at the inn. It had to be laid in a manger because there was no room for Joseph and Mary and the baby at the inn. No room at the inn. So to the steelworkers, there is no room for the steelworkers at the inn, no room at the inn.

This crisis cannot be merely dismissed as a West Virginia matter, as some sought to do earlier. I know the word went around, well, this is just to help workers in West Virginia; this is just to help Senator BYRD from West Virginia. That is not the case. That is not the case.

So this crisis cannot merely be dismissed as a West Virginia matter. This is a national matter. It affects Kentucky. It affects Virginia. When one industry hurts in this country, the whole country hurts. When steelworkers are thrown out of jobs, there is a great ripple effect. When jobs are lost in Indiana and Illinois and West Virginia, it hurts in Kentucky. It hurts in Virginia. This is a national matter involving an industry that stretches across the Nation.

When you see those television pictures of the tanks in the Balkans, those tanks are not made of pasteboard. They are not made of nylon. They are not made of plastic. They are made of steel. I know what it is to weld that steel, having welded in the shipyards in World War II. It was this mighty country with its steel mills and its experienced steelworkers and its efficient steel companies that made the ships to carry the manpower and the weaponry to Europe in World War I and in World War II. Let another war come. We will send tanks of pasteboard?

The ill effects that have been visited upon this industry loom in Utah, Illinois, Arkansas, Missouri, Pennsylvania, Ohio, Alabama, California, and other States. It touches the lives of all Americans. Just read the newspapers and the trade publications from around the Nation.

Bankruptcy looms for Gadsden, AL, based Gulf States Steel. Last month, Laclede Steel shut down its Alton, IL, pipe and tube plant, putting 200 employees out of work because of high levels of imports.

In April, FirstMiss, a Pennsylvania steel producer of high-grade specialty steel, announced plans to shut down, putting 140 people out of work.

These are Americans. These are people of flesh and blood, just as you and I are flesh and blood.

Geneva Steel Company of Vineyard, UT, filed a Chapter 11 bankruptcy in February, citing the surge in steel imports as the cause of its financial distress. Geneva Steel employs roughly 2,400 workers in Utah making hot-rolled and plate steel. In December 1998, Geneva officials had conceded that they would be unable to make January's interest payments on senior notes.

Bethlehem Steel officials announced in January that the steel import crisis caused them to decide to close two plants—in Washington, PA, and Massillon, OH—and eliminate a total of 540 jobs. Not surprisingly, no buyer could be found for the Massillon mill, given the poor market prospects.

In November 1998, Bethlehem Steel temporarily shut down facilities in Burns Harbor, IN, and Steelton, PA; it cut back shifts at facilities in Sparrows Point, PA, and idled production lines in Coatsville, PA, that employed 1,000 people, all because of unfair, illegal competition from imported steel, and unfair competition from foreign countries.

The Scriptures say that charity begins at home. We don't want charity. We simply want a fair, level field so the American steelworkers, whose efficiency is as great or greater than that of any other workers in the world, can make their way, can earn by the sweat of their brow their daily bread.

I have been in the Senate 41 years. I have never turned my back on any other State or any category of people in this country who are hard up and who are out of work and who need help in order to earn their bread by the sweat of their brow.

Whether it is in my State or not, if it is somewhere else in America that an industry, that the farmers need help, that the farmers need loans, that the homebuilders need loans, I am here to help, always have been. I do not say it does not help my people. I do not say that. The chain is as strong as its weakest link. I say help them if it is on the west coast, if it is on the east coast, if it is in the North or the South—wherever. If it is America, count me in.

In November, LTV officials announced that the company would permanently close some operations at their Cleveland Works facility, eliminating 320 jobs, because, in part, of dumped imports. The previous month, LTV had temporarily laid off an additional 320 workers on a different production line. U.S. Steel also cut back operations in November, laying off several hundred of the 850 workers at the Fairless, Pennsylvania, plant. These are not West Virginia plants, but if it hurts Pennsylvania; it hurts me; it hurts West Virginia.

National Steel announced the idling a blast furnace producing 1.1 million tons of iron at its Great Lakes Division last October, reducing the steelmaking capacity there by 25 to 30 percent. Last September, California Steel Industries reported that it had lost 15 to 20 percent of its sales volume, and had reduced production operations proportionally. Also last September, Illinois-based Acme Metals, Incorporated, filed for chapter 11 bankruptcy protection, halting production at a new, $370 million slab caster designed to take advantage of its high-quality blast furnace operations while linking it to low-cost, mini-mill style casting and rolling equipment. So much for modernizing to remain competitive! We have done it. The steel industry has done it. They have modernized the steel mills. The lesson steel makers have learned is that their investment decisions to remain modern and efficient can be undercut at any time by foreign producers driven by their own interests, or subsidized by their own governments, to increase their market share by driving under the domestic competition.

I could go on, but I think I have made my point. These American steel companies are suffering not only from the kind of depressed export market that has led the administration and this Congress to provide emergency relief to our Nation's farmers, but also from unfair, below-cost imports that are squeezing our steel industry out of our domestic market. Why is it this Congress can so readily support funding for direct low-cost loans to farmers—and I am for that—in order to help them survive the tough times, but some Members balk at providing loan guarantees to allow an equally critical industry—one that is necessary to maintain a robust defense as well as a robust economy—to obtain market rate loans to restructure debt and tough out a battle against depressed

markets and unfair competition? I confess that I simply do not understand this logic.

Help the farmers. We have heard that cry from the steeple tops, and my vote has been there. I do not have large farms in West Virginia, but when the call comes to help the farmers, my vote has been there. I have never opposed help for all the farmers.

I have been on the Appropriations Committee 41 years, Mr. President. You do not find me opposing aid to farmers just because West Virginia does not have big farms. Why provide loans and grants for foreign governments? What is the logic in the U.S. Government providing loans, direct loans in many instances, guaranteed loans and grants to people in foreign lands, foreign governments? Why help them, when there is no room at the inn for American steelworkers?

Think of it. I would be ashamed—ashamed—to deny our own people when we do not deny foreign governments. I have a list of the direct loans. I have a list of the guaranteed loans. I have a list of the outstanding loans to foreign governments. And then a Senator will stand in this Chamber and vote against guaranteed loans for an American industry, the steel industry, steelworkers, steel families. I know some Senators do not like to hear it, but listen to me. If you do not hear me, you will hear from them, the people for whom there is no room at the inn.

Opponents of this loan guarantee program would have us believe that this is an excessively costly solution to a nonexistent problem. It is neither. The loan guarantee program outlined in this bill would provide qualified steel producers access to loans through the private market that are guaranteed by the federal government in the same way that the federal government now guarantees loans made to homebuilders, farmers, even foreign governments. These guarantees are needed because banks, seeing the same flood of low-priced imported steel, are not willing to make loans or restructure existing debt when their collateral—the steel made and sold by the borrowers—is so devalued. both the Congressional Budget Office and the Office of Management and Budget, acting under the credit reform provisions of the Budget Enforcement Act, have calculated the budget authority estimates of this program at only $140 million, reflective of the fairly low risk of default and the value of the potential collateral to be offered. This cost, as has been stated time and again, is fully offset.

The steel loan guarantee program will be established and administered by a distinguished board of directors—namely, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce, who will serve as chairman of the board. This board will be given flexibility to determine the percentage of the federal guarantee, the appropriate collateral, as well as the loan amounts and interest rates.

This board will disburse loans of not less than $25 million, subject to a waiver, and not more than $250 million to any one company, and the total amount of all guarantees will not exceed $1 billion. As the loans are paid off, funds will become available for additional lending. All loans, however, must be repaid within 6 years, with interest.

This loan guarantee program is GATT-legal. We are still playing fair. We are not subsidizing our steel industry. We are not undermining someone else's domestic steel industry by dumping steel at below production cots. This program would operate within the international trade rules.

This emergency loan guarantee program is an important tool to help these companies deal with the immediate effects of this crisis as they pursue their legal cases and as other legislative remedies are being considered. By itself, this program will not solve this crisis, but it is needed to ensure that these companies can make it through some very tough times and keep their employees—our fellow citizens—working.

Which of you, the Scriptures say, if your son asks for bread, will give him a stone? Which of you, being a father, if your son asks for fish, will give him a serpent? Which of you, if your son asks for an egg, will give him a scorpion?

When I say to Senators, these steelworkers are our fellow Americans, our fellow citizens, they are asking for the opportunity to earn their daily bread, in the sweat of their brow, are we going to give them a stone?

So, what do we have to lose here by ensuring that funding is available for a crisis that our own Department of Commerce verifies is upon us? If the money is not needed, not one red cent will be dispersed from the Treasury. But if we do not act, and steel companies start to go under, you can bet that we will not be able to act quickly enough to save some of those companies, some of those jobs, and some of those steel towns that will be pulled under by the rip current of our failure to respond.

It cost us at most $140 million to act decisively now to avert a crisis that is within our shores. Our failure to act will surely cost us much more as a nation. I speak not only of the tangible costs of inaction—in increased unemployment, cuts in services, and bank losses, in addition to increased spending for welfare, food stamps, Medicaid, housing assistance, child care assistance, community adjustment assistance, worker adjustment assistance, and so forth, but also of the intangible costs. What does it mean if we let our steel industry fail? What does it mean if we allow it to be sliced away mill by mill by mill until only the biggest survive? What does it mean for our future to have another critical defense component delivered from a ship arriving from distant shores? Ships from distant shores will bring the steel. Can our space launch capacity be held hostage to specialty materials and components produced overseas? Can a new stealth bomber still be produced without a foreign partner?

What does it mean when we let trade theory or consideration for foreign trading partners allow us to tie our own hands and let foreign competitors unfairly or illegally pull the rug out from under American citizens? Should American steelworkers and their families go on unemployment or even welfare in order to allow foreign steelworkers to retain their jobs? I do not think so.

I think our people should come first, as far as I am concerned. This country has been very charitable to the rest of the world. This Nation has helped other nations when disasters came upon them. This Nation has helped other nations to rebuild after destructive wars. But we should not ask this Nation to give up its industries and ship those industries overseas. We should not ask our steelworkers to give up their jobs in order that steelworkers somewhere else, thousands of miles away, across the deep waters, may have their jobs.

The people who send us here place a trust in us. Those who send us here can bring us back home. They ought to bring us home if we do not listen to their pleas. They place a trust in us that we will stand for issues important to them, their lives, and their livelihood.

I cannot, in good conscience, turn my back on America's steelworkers, just as I cannot turn my back on the oil and gas workers. And I cannot turn my back on the farmers in this country. But I hope that each of you will not turn your back on our steelworkers. The time will come when you may come to my door, saying: I need your help. I may have that rollcall on how you voted when the steelworkers needed your help, when their families needed your help in order that they might have bread to eat, clothes to wear, and the other necessities of life. Let's not forget we have to help one another.

The questions for every Member of Congress are these: do we care if we have a domestic steel industry? Does it matter? Or should we throw in the towel and allow foreign competitors to chip away at our steel industry until we are forced to depend on foreign steelmakers for our every steel need in the next century? Let us not dither. Let us not believe there is no problem here. Let us not play politics.

Let's leave philosophy to Socrates and to Plato and the other great philosophers. Let's tend to things closer to home. Let us act. I urge the adoption of this legislation.

My colleague, my friend, PETE DOMENICI, who is on the floor at the moment, who represents the great State of New Mexico, will speak for oil and gas. I fully support him—fully support him. What affects his oil and gas

industries affects me and my people, affects West Virginia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

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

Mr. GRAMM. Mr. President, I first say to our colleagues that Senator NICKLES and I, who are on the other side of this issue, have been at the Finance Committee where we have been holding a hearing on Larry Summers, who has been nominated to be Secretary of the Treasury. As a result, it has taken until now for us to get the opportunity to participate. Because this is the most significant confirmation since either one of us has been on the Finance Committee, we did not have the luxury to miss that hearing. So if we have inconvenienced our colleagues by being late, I apologize.

I also say that one of the things that is always hard about our business—and our business is a noble business; it is American democracy at work—is that you do not get to choose your allies. If I had an opportunity to choose my allies based on their ability and knowledge and persuasiveness, I would never undertake any battle where I did not have Senator BYRD and Senator DOMENICI on my side. The problem is that when the Lord handed out ability, He did not distribute basic philosophy and values and also a reading of the facts in the same way He distributed ability, at least from this Senator's own point of view.

I find myself, which happens from time to time and never creates happiness on my part when it does, fundamentally disagreeing with two of our most able Members and two Members of the Senate for whom I have a deep affection and a deep respect.

What I would like to do today is the following: I would like to try to outline the changes that I believe should be made in the bill. Let me make it clear that I am not for this bill. I see this as harkening back to another day, the days of the Carter administration, where we were basically trying to engage in industrial policy. I will talk more about that in a minute.

But if we are going to pass the bill, there are some things we should do—and I hope we will do—that could dramatically improve the bill. So what I would like to do today is talk about those amendments and try, for the convenience of our colleagues, to outline the amendments that I see that we would present today.

I can't speak for any other Member of the Senate. There may be others, besides Senator NICKLES and I, who have been working on these amendments together, who would want to come over and offer amendments. But to sort of give an outline, I would like to go through and outline what I think is wrong with the bill in terms of what could be improved by amendment. I would like to talk about each of those amendments and try to explain why they make sense so everybody would sort of get the lay of the land of the battlefield that we are likely to contest today and vote on today.

I would then like to try to talk about the problem in the steel industry, because Senator BYRD has spoken with such passion and conviction that, if you are going to oppose what he is trying to do, you have an obligation to explain why you disagree. So I will try to at least give you the view through the lens that I have in looking at this problem as to where I am coming from and why I think as I do.

Then it would be my proposal to either offer the amendments that I have outlined and simply have them there so anyone could debate them or, if Senator NICKLES comes over, then we could go back and forth. But it is not my objective to try to delay the process. It is pretty clear what I would like to at least have the Senate make a decision about today.

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

Mr. GRAMM. I am happy to yield.

Mr. DOMENICI. I need to get consent on behalf of the leader. It will take 30 seconds.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be considered as original text for the purpose of further amendment, provided further that no points of order will have been waived.

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

Mr. DOMENICI. Now that I have the floor, I wonder if my friend will engage in a little discussion with me for a moment. I think the approach you have just spoken of will be a good one for the Senate.

I am somewhat familiar—I will be more familiar when you are finished with your discussion of your four points—with what kind of amendments you are seeking. I believe it is possible we could sit down with Senator BYRD and work on all of those amendments. Some of us have been thinking about some of those amendments, even without you offering them; and some of them make eminent good sense to me.

So if you will do that, if you will discuss them, I am certain that unless there are other Senators beyond you and Senator NICKLES, what you are talking about, even if we do not agree, we are not going to be here late tonight on those, if we can get them done. The question is, are there others? And we don't know about that. There may be; there may not be.

It may be that we cannot vote on some of these because of some other matters that are beyond our control. But I do not think we need time at 10 tonight to debate the ones you are talking about. We will understand them very soon, and we will start working with you and see what we can do.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank Senator DOMENICI and say, in complying with his wishes, that what I will do is simply go through and talk about four areas that I think we need to work on to improve the bill. Then I want to talk a little bit about the underlying amendment and about steel and about my different perspective on the problem than Senator BYRD has.

First of all, this bill has an emergency designation in it. What does that mean? What it means is this bill will be exempt, because of that emergency designation, from the budget caps that we set out in law and that we reinforced when we adopted the budget this year. To the degree to which that emergency designation allows us to spend beyond the cap, that expenditure will take money away from the budget surplus, every penny of which is Social Security trust fund money.

The way the bill is written, it is written in such a way that it does make some effort to try to deal with the cost of the program. In doing so, it is not effective, because it doesn't lower the spending caps to pay for this bill.

My first objection—without getting into all of the delicacies of the budget which aren't really important to this—is the following: We have a surplus today in terms of the books of the Government. But we do not really have a surplus in the sense that if we had to keep our books like the private sector does, where we had to take into account all the liabilities that we are incurring by guaranteeing Social Security benefits in the future, if we had to use what accountants call ''accrual accounting,'' we would be running a huge deficit. It creates a problem because now, as virtually everybody in America, I hope, knows, we are collecting more in Social Security taxes than we are spending on Social Security, so we are running a surplus and the Social Security trust fund would tend to grow as a result of that surplus.

But much to my distress, and I believe it would be distressing to the American people, if everybody understood it, it seems like weekly we spend more money, every penny of which comes out of Social Security, so that effectively we are plundering Social Security to pay for other programs.

Now, you can argue the merits or the demerits of this loan program. I will tend to argue the demerits. But even if you thought this program had great merit, I think it is bad policy, and wrong, to take the money out of Social Security to pay for it.

So the first effort that Senator NICKLES and I will undertake is that there is a budget point of order in the budget against any emergency designation for non-defense discretionary spending, when that discretionary spending would, in this case, take money out of Social Security.

So the first thing we intend to do, or at least we intend at some point during this process, is to raise that budget point of order to strike the emergency designation out of this bill.

Let me make two points about that. No. 1, it won't kill the bill. What it will

say is: You have to pay for the bill, because every penny you spend on these loan guarantees is money that you are not going to have to spend on something else. If we do not strike the emergency designation, then the money we spend on the loan guarantees will basically come out of Social Security; and since we have on several occasions, and will again, be debating whether or not to put the Social Security money in a so-called lockbox, I can't, in good conscience, keep voting to say we are putting it in a lockbox when we keep turning around and spending it.

I have a little bit of trouble taking a position one day that we are protecting Social Security money and, a day or two later, supporting spending it.

So the first issue we need to deal with is the issue of whether we should eliminate any possibility that this money would come out of Social Security. We can do that by raising the point of order that the bill has an emergency designation, and if that is successful, or if an agreement should be reached to simply take the emergency designation out, then any money this bill spends is money under the spending caps that can't be spent on anything else.

So if we are successful there, what we will have done is, for all those who believe this bill is a very good idea, or even a good idea, we will have set up a situation where it has to be paid for. I believe that is prudent public policy, and I think it should be done.

The second amendment we would be offering is an amendment to change the makeup of the board that will be making the loans. Let me remind my colleagues, and anybody else who is following this debate, that the reason these loan guarantees cost money is that we don't expect some of the loans to be repaid. The whole reason this loan guarantee package costs money—the reason we expect it to cost $140 million—well, that is the steel number. One of the reasons we expect this program, in total, to cost $270 million over the next 2 years is that we expect many of these loans not to be paid back.

That recognition leads to three changes we want to make in these loans, and they are the other three amendments.

No. 1, we don't think these loans ought to be made by the Secretary of Labor and the Secretary of Commerce. We believe we should have a board that is made up of people who have expertise in finance and who can guarantee two things: One, that we maximize the chances that the taxpayer will be paid back—I don't know how anybody can object to that—and, two, to the maximum extent we can, that we take politics out of the decisionmaking.

So a proposal we will make will be a proposal to change the board that will end up making the loan and overseeing the credit transaction, overseeing the payment of the loans when they are due, and the collection of the principal and interest. Rather than having the Secretary of Labor and the Secretary of Commerce, we would propose to have the chairman of the board of the Federal Reserve Bank and the Chairman of the Securities and Exchange Commission, and then have them, together with the Secretary of the Treasury, giving us a three-person board, all of whom will have expertise in finance and loans and investments.

So that we can try to achieve two objectives, both of which are important: No. 1, try to make the loans in such a way that we maximize the chances that they are going to be paid back, because that saves the taxpayers money. Secondly, to the maximum extent possible, we don't want politics to play a role in who gets these loans if you want them made. It is one thing to say they should be made, but it is another thing, I think, to set up a structure where we are almost guaranteeing that the announcements of these loans will be political announcements rather than financial decisions that are made where the board represents, in a fiduciary way, the interest of the American taxpayer.

So the second amendment we will undertake will be to change the makeup of the board to go to Alan Greenspan, Chairman of the Federal Reserve Bank, as the effective chairman of the board; and then we will have the Chairman of the Securities and Exchange Commission and the Secretary of the Treasury serving on the board. I think by doing that we will maximize the chances of achieving our objective of maximum fiscal responsibility and minimum politics.

A third amendment we will offer is an amendment having to do with the maximum guarantee of a loan. It is virtually unheard of for the Government to guarantee 100 percent of the loan, because by guaranteeing 100 percent of the loan, we take any risk away from the lender. If the lender is not responsible for any portion of the loan, the lender has no effective monetary interest in trying to see that the borrower has the ability to pay it back—has both the capacity and the will. In virtually every program in the Federal Government that I am aware of, loan guarantees are such that the Government does take on some of the risk in order to encourage lenders to lend, but it always—in virtually every case—leaves the lender with some residual risk, to try to encourage them to be responsible.

The proposal we will make is that no loan will ever be guaranteed for more than 80 percent, so that anybody who is making this loan will have to incur a risk of 20 percent. Needless to say, if you are making a $10 million loan and you are going to have to eat $2 million of it if it is not paid back, you are going to be a lot more judicious in making the loan than if somebody else is going to absorb the entire $10 million of loss if it is not paid back.

So I think this is simply a good Government amendment. Again, if you believe these loans should be made, then they should be made in a way that doesn't take money from Social Security, which has an oversight board made up of people who have fiduciary responsibility, and who have the expertise and knowledge related to it, and who won't be political; and, finally, the loans themselves should be such that the actual lender has some stake in the loan being paid back.

The fourth amendment we will offer today will be an amendment aimed at the minimum loan level. For some reason—and I don't understand it—the authors of this amendment have put a minimum on the amount of loan that could be made. The minimum is quite large.

So the net result of that, it seems to me, would be to tilt the lending toward specific would-be borrowers and to arbitrarily take loans away from small companies that might qualify but that might not be either willing or able to borrow the minimum amount.

So the fourth amendment we propose offering today would be an amendment that says we will strike the minimum amount and then we will let the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and the Chairman of the Federal Reserve Bank Board decide, based on the applications that are available, who has the best creditworthiness, not who would be the biggest borrower.

So those are the four issues that, it seems to me, there should be relatively little debate about.

No. 1, don't take the money out of the Social Security trust fund.

No. 2, appoint a board of people who know something about lending and who will be good stewards of the taxpayers' money and who won't play politics in making the loans.

No. 3, don't guarantee 100 percent of the loan.

When a bank is making a loan, require them to undertake some of the risk. After all, they are going to get the benefits of the interest payments.

We propose not guaranteeing more than 80 percent of any loans. The additional advantage of that is that we could lend more money. If you think this lending is a good idea, then I don't see how you could be against spreading it more widely.

Finally, we strike the provision of the bill that sets the minimum amount, since there is no logic to saying that we will not lend to small business.

I mean, if there is any modern entity that has taken on the same political appeal that Thomas Jefferson's independent farmer had in 1800, it is a small independent businessperson.

If you think making these loans is a good idea, how can it make any sense to deny those loans to small business?

Those are the four amendments that we would like to deal with today. There are other amendments we are

looking at, but these four are so clear-cut and so necessary that I wanted to put them out on the table early this afternoon.

It is my understanding that perhaps Senator DOMENICI and Senator BYRD would want to sit down and talk about these. I think the sooner we can do that, the sooner we can start moving.

Finally, I want to respond to Senator BYRD on the steel issue in explaining how I see it so differently.

It is an interesting thing to me. The longer I live, the more I discover that when people disagree with you, there are almost two reasons. There is generally one of two reasons why they do, and sometimes both reasons. One is they have a different lens through which they see the world and view things and value things, and that leads to a different conclusion. Our founders, Jefferson, for example, recognized that good people with good intentions come to different conclusions.

But a second reason that people often differ is a different perception of the facts.

Let me just talk for a minute about the facts and why I believe that there will be disappointment if these loans are made, and why it is likely that to the extent that if the problem was real, it probably would not be solved by these loans.

Second, I want to argue that at least in terms of steel—I wish I could say the same about oil and gas—but at least in terms of steel I believe that the crisis is past.

Let me try, without holding my colleagues up, to just simply run through this real quickly.

Mr. DOMENICI. Will the Senator yield to me for a moment?

Mr. GRAMM. Yes. Certainly.

Mr. DOMENICI. First, I want the Senator to know that more times than not this past year we have been on the floor on the same side. There is an interesting result, which I will not share with anybody when that happens.

Mr. GRAMM. We always win.

Mr. DOMENICI. But, on this one, I had a different view. I think before finishing today, by working with Senator NICKLES and Senator BYRD we can bring this closer to some of the basic concerns.

We will not get around to the notion that we will make guaranteed loans. In any event, we can't do that, but that would mean we give up our fight, I think, on some other issues. We can make the lending of them more objective—make it so there is a little bit of risk the borrower takes, and also we will discuss with Senator BYRD the makeup of the board. I can't say much about that. We have to talk about it.

I am going to go to an appropriations meeting, and I will be back in 15 or 20 minutes. I know Senator NICKLES is here. I shared the same concerns with him. I understand he agrees not to offer amendments. We will have a meeting with Senator BYRD, and we will see what we can do about the Senator's amendments. I don't know about other amendments.

I yield the floor.

Mr. WELLSTONE. Will the Senator yield for 10 seconds?

Mr. GRAMM. I would be happy to yield.

Mr. WELLSTONE. I thank the Senator.

I wonder whether or not Senator DOMENICI is going to come back and speak. I wonder whether Senator NICKLES wants to speak. I wonder if I can address the Senate, after Senator NICKLES and Senator DOMENICI, and be allowed to speak on this bill.

I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, how long does the Senator intend to speak?

Mr. WELLSTONE. Twenty minutes.

Mr. DOMENICI. Go ahead of me. I have already spoken once. Let's change the order.

Mr. WELLSTONE. After the Senator from Texas and the Senator from Oklahoma, I follow?

Mr. DOMENICI. Yes.

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

Mr. GRAMM. Mr. President, let me try to explain why I look at the steel problem and see it so differently than our dear colleague from West Virginia.

First of all, let me just review the facts that nobody disputes.

In 1980, we had 459,000 Americans who were employed in the steel industry. Today, we have 163,000 Americans employed in producing steel. So employment between 1980 and 1997 declined from 459,000 to 163,000 people.

If you just looked at that number, you would say, well, domestic steel production must be just falling completely through the floor; that we must have a disaster in the domestic steel industry.

The plain truth is that while employment fell from 459,000 steelworkers to 163,000 steelworkers, the production of steel in the United States actually went up by 56 percent. In fact, on average, since 1980 we have seen about a 9,000-job-a-year decline in the number of people working in steel production. Because of technological change, we are using fewer workers to produce more steel.

The complaint that is being lodged where it is being demanded first this week that we have the government guarantee loans to the steel industry and then next week where we impose a quota on steel imports triggering a trade war—remember, we have 40 people using steel in jobs for every one person making steel—all of that legislative effort is due to a belief that we lost 10,000 jobs this year in the steel industry. We have lost 9,000 a year every year since 1980.

One of the reasons, despite all of this talk about the rush of imports and unfair trade practices, that the steel industry has never filed a section 201 claim is in part because of an inability to demonstrate that the problem is imports.

In fact, in 1997 when we had the surge in imports, we had the largest domestic steel production in American history. In fact, in 1997 we produced 105 million tons of raw steel, which is an all-time record in steel production.

Why did imports surge in 1997 when domestic production was at an all-time high, where in fact some analysts believe that we had overcapacity utilization in 1997? What happened was the economy was exploding, for which we all rejoice. We were creating 7,500 jobs a day, which still continues to this day. Thank God. As a result, people are buying cars at record rates, people are building houses at record rates, and we are approaching 70 percent of Americans who own their own homes. They are buying refrigerators, washing machines, and dryers. All of those products use steel.

We had a record level of domestic production and a record level of demand. What happened? We imported steel to fill the gap.

I think it is also important to note that in 1998, the last year where we have records, production was still near an all-time record with 102 million tons. In fact, the steel industry earned profits in 1998 of $1.4 billion.

I am not complaining about that. If I could snap my fingers and make those profits $10 billion or $14 billion, I would do it —or $140 billion. I don't have any objection to profits.

But the point I want to make is that in this period where the argument is being made that steel is collapsing and that we are being drowned by imports, other than on wire rod, no steel company in America filed a 201 complaint about imports producing a loss of business for them, or costing jobs in their industry.

When they don't file the 201 complaint, it suggests that they didn't have a case.

Here is the point I am making: 9,000 jobs a year have been eliminated because of technological change where production has grown by 56 percent. We are having the greatest economic boom in American history. We are creating 7,500 jobs a day. We have towns, and I'm very grateful that my hometown is one of them, where university students go after class to have a beer, and they have impressment gangs who come around and try to drag them off to factories.

We are creating 7,500 jobs a day. In the name of 10,000 jobs that were probably lost because of technological change, we are being called upon to go back to the 1970s, to the policy of Jimmy Carter, and have the Government start lending money where we are guaranteed in advance we will lose $270 million on the loans upfront. Of course, the default when Jimmy Carter was President was 77 percent. If we had that kind of default rate, the loss would be many times the $270 million.

We are creating more jobs in a day and a quarter than we are talking about, and we are jeopardizing those jobs by getting Government in exactly the kind of situation we are begging the Japanese to get out of: Getting America into crony capitalism, where we are trying to institute industrial policy, where Government is making decisions instead of the credit markets.

Second, we are getting ready next week under exactly the same heading to debate a provision that would literally start a trade war which could destroy millions of American jobs when there is not hard evidence these jobs have been lost because of imports.

Finally, as if all that were not enough, if the problem really existed, it has already been solved. American imports of steel have declined 28 percent since November of 1998. Russian imported steel is down by 96.6 percent; Japanese steel is down by 74.4 percent; Brazilian imports are down by 24.4 percent; and Korean imports are down by 46.8 percent. Imports from all countries are down dramatically.

Even if this was a problem, as normally happens in these political debates, we are a year late.

I am sympathetic to this problem. I am very sympathetic because my State is affected by these problems. The point is, we are not going to fix these problems by having the Government come in and lend money to an industry as it did when Jimmy Carter was President.

Some people said the other day that when Jimmy Carter was President, we had to do it because the inflation rate was in double digits and interest rates were at 21½ percent. That is true. But were inflation rates in double digits and interest rates 21½ percent because we had Government trying to run the economy? Isn't that what we changed in the 1980 election?

I don't want to go back to the policies of the Carter administration. This is 1999. That is why I am not for this provision. It is not because I'm not sympathetic to someone who lost a job in the steel industry. If that job was lost due to technological change—and the evidence is pretty overwhelming that it was—do we benefit anybody by lending money when we know that a substantial default on the loans will occur?

It seems to me what we need to be doing is to try to promote economic growth where people can find jobs and, hopefully, better jobs than they lost. When you have technological change in one industry that eliminates jobs and you have new technology in others, that creates jobs.

This is a tough issue. It is always easy and, I think, always tempting to try to say if anybody in America loses a job for whatever reason that the Government ought to do something about it. I remind my colleagues that in a day and a quarter we create more jobs in the private sector of the economy with the economic policies of open trade and private capital allocation and basic free enterprise; we are creating more jobs in a day and a quarter than anyone is claiming that steel has lost in the last year.

We have to weigh this point. Isn't it distinctly possible under those circumstances that we could lose more jobs by starting a trade war or getting Government into industrial policy than we will save by doing those two things? Then those jobs might be lost anyway as a result of continued technological change.

It is because I am concerned about working Americans, it is because I am concerned about keeping this recovery going, it is because I want to keep creating 7,500 jobs a day that I am not for these loan guarantees.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Texas. I hope his speech is one that all Members of the Senate have listened to. I happen to agree with him, I think this bill is a mistake.

I spoke on this bill. We only had 5 minutes before we voted on this. The first debate we had on this was actually 10 minutes for the proponents, 10 minutes for the opponents. That was the only debate we have had on the floor of the Senate. That was on a motion of cloture. For people who don't know what that is, it is a motion to proceed to debate the bill.

I told the proponents of the bill, Senator BYRD and Senator DOMENICI, I will object to the bill; I will debate against it; I will offer amendments against it. However, I will not filibuster it. If they get cloture, they get cloture.

They got cloture. I lost. I happen to think I was right on the issue.

I will follow through. I said I would amend it. I told Senator BYRD I would not offer a bunch of dilatory amendments. I will not go into extraneous matters. I will try to make a bad bill better. I don't think this is a good bill. I don't think it should pass. I don't think it should become law. I will work to see that it doesn't. This is one step in the process.

Let me say why I think this is a bad bill. I have great respect for Senator BYRD and Senator DOMENICI. They are very effective legislators. They have convinced a lot of people we should move forward. My compliments to them. I don't happen to think they are right on this bill.

Looking back at loan guarantees, the last time we did this we actually ended up having net loan guarantees of $290 million and defaulted on $222 million. That is a default rate of 77 percent. That means taxpayers had to write a check for $222 million out of a total loan guarantee of $290 million. That is a terrible, terrible failure.

I will mention a couple of things. That is a failure by my words, but it is a failure according to Members of previous administrations.

I will just give you a couple of comments:

> Less than a decade later, all 5 loans [talking about steel loans] are in default.

And the Commerce Department's Economic Development Administration, in an internal memorandum notes:

> By any measurement, EDA's steel loan program would have to be considered a failure. The program is an excellent example of the folly inherent in industrial policy programs.

They are exactly right. Other countries do not do this. They believe in the private sector. We believe in it. We believe in developing private capitalism. Let bankers take risks, have investments, have the right to succeed and the right to fail.

Now we are on the floor of the Senate and we say, wait a minute, not in steel or not in oil and gas; those are two vital industries. I agree these are vital industries, but I do not think this bill will help them one iota. It did not help in 1978 and 1979. It cost taxpayers millions of dollars; it was a boondoggle, it was a failure. Why should we repeat it? We know better.

I am sympathetic when people say we have lost jobs and these are really tough times. I will tell you, it is a lot tougher in the oil patch than it is in the steel industry, and I think that is the reason Senator DOMENICI offered his amendment. The oil patch lost 50,000 jobs; the steel industry lost 10,000. But I do not think this is the right solution to help the oil patch. If I did, I would support it. I have been pretty supportive of the oil patch in my tenure in the Senate, but Government loan guarantees is not the solution.

I have talked to our producers. I have talked to the people. They do not want it, they do not need it, and it will not help to have a Government loan guarantee. It will not help. That is not the solution.

Not everybody in the oil patch and not everybody in the steel industry is losing money. There are 16 big steel companies, 12 of which are profitable. A lot of them do not even want it. A lot of them do not need it. What will they do, if one company gets a loan guarantee and gets a subsidized low-interest loan, say, at 6 percent and they are paying 9 percent? They will say: Wait a minute, we are in a competitive field. How in the world can we allow this company, a competitor, to go out and borrow money with the Government guaranteeing it? They get a lot better interest rate. We are competing with them. When they are doing it, we had better do it.

So we are, in effect, going to give U.S. Steel or Bethlehem Steel a loan guarantee? Those are companies that are probably doing fine, and they probably do not want this. I doubt they do. I hope they do not. Are they going to let their competitors go in and get a competitive advantage? So maybe there will be a race to grab some of

this money. We should not be exposing taxpayers to that kind of risk.

We should not be circumventing the marketplace. We know the Secretary of Labor, Alexis Herman, is a great lady. I have great respect for her. But I don't think she knows better than bankers in the United States whether a loan should be made or not; or, for that matter, the Secretary of Commerce or the Secretary of the Treasury. This bill says they know better, frankly, than all the bankers, all the capitalists in this country. The Secretary of Labor, the Secretary of Commerce, and the Secretary of the Treasury would be making the loans for a billion and a half dollars. They are going to guarantee, the Federal Government, we will back that loan up. If it fails, we will write a check. That is what this bill does.

You cannot say the bill is without cost. It has been estimated the bill could cost taxpayers $270 million. That is not an insignificant amount of money. That is a guess. That is an absolute guess. If we have default rates like we had 20 years ago, it will be over a billion dollars Uncle Sam will be writing a check for. I do not have a great deal of confidence the Secretary of Labor or the Secretary of Commerce can make the right decisions.

This bill has a provision that allows the Government to guarantee basically 100 percent of the loan. That doesn't make any sense. When you get into a loan guarantee, most of our Federal programs guarantee 70 percent, 75 percent, 80 percent, in some cases 90 percent. Almost all small business loans are guaranteed at 90 percent or less. This bill says there can be 100 percent. What sense does that make?

I mentioned that we are going to offer some amendments to make some changes. I am hopeful the sponsors of this legislation will support us in an effort to adopt those changes. Let me just go over some of the amendments I think will make a bad bill less bad. It still will not make it, in my opinion, worthy of passage, but as I told the sponsors, I am not going to filibuster the bill indefinitely. I am going to offer some germane amendments.

One will be to change the composition of the board. Instead of having the Labor Secretary and the Commerce Secretary and Treasury Secretary make these decisions, the Treasury Secretary would be a member of the board, and he would serve as chairman—in addition the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Securities and Exchange Commission would serve. They would replace the Secretary of Labor and the Secretary of Commerce.

It does a couple of things. It gets politics out of it for a lot of purposes. The SEC and the Fed are not as politically in tune as a Cabinet-level Secretary. I think it offers a little more balanced business perspective. I think it would complement the board and make it a better board. So that would be one amendment. Hopefully, it will be passed.

Another amendment would be to establish an 80-percent maximum loan guarantee. Instead of having a 100-percent loan guarantee, the maximum would be 80 percent. So the Federal Government, if this board says okay to a steel company or an oil company, we are going to lend up to $100 million, the maximum exposure of the Federal Government on that $100 million loan will be $80 million. That means a private financial institution which is lending the other $20 million has something at risk, and if it fails, they will lose a little bit of money too. It will make people a little more prudent when they start applying this idea of using Government money or Government guarantees. So, hopefully, that will pass.

We have another amendment that would strike the minimum loan levels. Some people say: Why did you have the board set up? We did not pass this bill. It passed the Senate one time but not with a direct vote. It never went through any authorizing committee. It did not go through the Banking Committee in the House or the Senate. No one has looked at it. Basically, this has been crafted and it really has not been scrutinized. I think we are pulling out some of the deficiencies of the bill.

One of the deficiencies in the underlying bill says we will have minimum loan levels. In steel, the lowest, smallest loan they could make would be $25 million. Small steel companies, don't apply. This is for big steel. In other words, the loan levels in this package—as drafted, would have to be between $25 million and a maximum of $250 million. That is what the Federal Government guarantees. It would not guarantee a $10 million loan or a $5 million loan. We want to strike the minimum levels for both steel and oil and gas.

It says, for iron ore, the minimum level was $6 million; oil and gas, the minimum level loan guarantee would be $250,000. I probably have more small producers in my State than any State, with the possible exception of Texas, and why in the world would we have a Federal loan guarantee program? But, oh, if you can't borrow at least a quarter of a million dollars, don't apply. Does that make any sense?

We have thousands of producers in our State. Frankly, most of our wells produce about 2 barrels a day, 2.5 barrels a day. If we are going to help people, are we really going to say, you have to be pretty big before we are going to help you? I don't think that makes sense. So we are going to have an amendment to strike the minimum loan levels. I think that would be important.

One other amendment I hope and expect we will be successful in passing, would be to strike the emergency spending designations in the bill or make a point of order that emergency spending does not lie. I hope, if anybody in this body is going to make statements such as ''we want to protect Social Security, and we don't want to spend those Social Security revenues,'' they better support this amendment. Because I want to make sure everybody understands, when we are talking about striking the emergency section, what it means. If you have the emergency section in there, it means the budget doesn't apply. It means we are going to add that amount of money to the caps. It means you are going to be taking that money out of the surplus and, in this case, 100 percent of that money is the Social Security surplus. So you are raiding the Social Security surplus, raiding the Social Security funds in order to be giving loan guarantees to steel and oil and gas.

I do not know if that sells in Minnesota, but it doesn't sell in Oklahoma. It is ludicrous to say we are going to have an emergency designation on this. An emergency basically means the budget does not apply. Maybe some people do not want to have a budget.

We just passed a big bill for Kosovo. We declared it an emergency. It was a net of $13 billion. We said it was an emergency; the budget cap doesn't apply. Some people say that was wartime, it is understandable, and so on, even though we increased the numbers rather significantly. That is one thing. Are we going to do it 2 weeks later and say that now we have an emergency steel loan program; we are going to have to declare that an emergency? Are we going to have to do that every 2 weeks? How many times are we going to declare an emergency? If we are going to do it every 2 weeks, let's just stop the charade and don't even have a budget.

Just forget having a budget. It is not necessary. We can just appropriate whatever money we want to spend and see how much it is at the end of the year. That, in effect, is what we are doing when we repeatedly declare something an emergency.

We are going to make a point of order on the emergency provision, and I hope we will be successful. I am going to venture to say on all four amendments, we will be successful. I expect we will be.

I appreciate the fact that Senator DOMENICI has communicated to us already he is willing to see if we can work something out on these amendments. It is vitally important we do so.

We do not really believe in this concept of industrial policy where the Federal Government is going to supersede the private sector and make financial decisions. Some countries try that. Communist countries try it. Socialistic countries try it. Frankly, it does not work very well. Look at third world growth rate and see how many jobs they create. They do not work well.

Why would we start doing it? We tried it 20 years ago, and it was a dismal failure, a total, complete failure. Basically what they are saying is we want to replace the marketplace with political wisdom. It is a serious mistake. Again, my State has had

percentagewise as big a job loss as any, and I still think it would be a serious mistake.

Finally, obviously, big steel has a lot of clout. We are considering this bill, and there is another bill which just went through the Finance Committee dealing with section 301. Then there is a bill that the House has already passed dealing with steel quotas. I believe the majority leader said we are going to be voting on that next week. There will be a cloture vote on whether we should take it up. I urge my colleagues to vote no on cloture and defeat the steel quota bill.

Today I asked Mr. Summers, who is the nominee for Secretary of the Treasury, what his position is on the bill. In the past, we heard the President was against it. He said his advisers will be recommending the President veto it. That is the right position. They should veto it.

One has to ask a couple of questions: Do you believe in GATT, the General Agreement on Tariffs and Trade, which has made it possible for us to have a greater economic activity worldwide? If you believe in it, the steel quota bill is totally, completely inconsistent with GATT. Totally. Our trading partners would retaliate.

If you think if we pass this steel quotas bill, that it is going to protect steel jobs, it will not, because there will be retaliation. The retaliation in many cases will be: We are not going to buy some of your other products.

You may think we are saving a few steel jobs, but the net result is we are going to lose a lot more jobs throughout the economy—not a few, a lot more—and maybe even start a real trade war. That is a serious mistake. We should not do that.

I urge my colleagues, if you believe in free trade, if you believe in GATT, if you believe in negotiations—that does not mean we cannot take retaliatory action if somebody is dumping. The administration has already imposed antidumping tariffs on Brazil and Japan. There are proper avenues to do that. A steel quota is not one, and loan guarantees is not one.

I urge my colleagues to support the amendments that Senator GRAMM and myself, and I believe Senator MCCAIN, will be offering shortly this afternoon. Maybe we can have them agreed to. If not, I hope we will have votes and they will be adopted. I urge my colleagues to vote no on final passage on this bill.

Mr. GRAMM. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. GRAMM. I want to be quick because I know our dear colleague is waiting. When the Senator talked about the minimum, he may have misplaced a decimal point. Under this bill, the minimum loan is $25 million for steel.

Mr. NICKLES. That is correct.

Mr. GRAMM. The second thing I want to know, is the Senator aware that mining has been added to where the loans can now go to iron ore companies as well with a $6 million minimum?

Mr. NICKLES. I did not mention that in my statement. The Senator is exactly right. Under the iron ore loan guarantee, the minimum loan is $6 million, a maximum loan of $30 million.

Mr. GRAMM. I congratulate the Senator. His remarks were excellent. I agree with every point he made, and I believe a couple of things are important. This is not going to be the last one of these we do if we do this one. If we have already expanded this to iron ore, and we have steel and it was expanded in committee to oil and gas, does anybody doubt, if we pass this one, that 2 weeks from now, we are going to be back passing another one and another one and another one?

Mr. NICKLES. Good point.

Mr. GRAMM. The amazing thing is that we are getting the Government involved in allocating credit at a time when we are creating jobs at a record rate on net of 7,500 jobs a week.

Finally, I ask the Senator if he is aware that in a Los Angeles Times article in March, it pointed out there is expansion in the steel industry in that seven new plants will come on line this year, but each one of them, very interestingly, will employ 200 or fewer people. What is happening is, these small companies, with a small number of employees producing specialized products, are really outcompeting the bigger companies.

In looking at the assessments by Wall Street, they are bullish on steel in general, and the three companies which have gone bankrupt, they say have gone bankrupt because they are too highly leveraged and they bet on technology that did not pay off.

Mr. NICKLES. I appreciate the Senator's comment. I was not aware of the article. I am aware of the fact the steel industry as a whole is not doing all that bad. I mentioned, I believe, in my comments that 12 out of 16 of the larger companies are all profitable. Not all companies, but several companies are profitable.

The Senator mentioned seven new plants. I was not aware of that. That is an excellent point. I do not think they are clamoring for Washington, DC, to give them a loan guarantee. I have not had them knocking on my door saying give us a loan guarantee. If they do, I certainly would not want to be an investor. If somebody in the steel industry is knocking on the door saying, we need the Government to give us a loan guarantee, that is a bad sign, poor management, and they are in serious trouble.

Mr. GRAMM. I thank my colleague.

Mr. NICKLES. I thank my friend and colleague from Minnesota, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I say to both my colleagues, actually sometimes coming down and waiting to speak is positive. You get to hear people, as my colleague from Texas said, who see it through different lenses, who see it a different way.

What I want to do is, first of all, try to bring this debate back to people and talk about it in very personal terms as it affects people in my State of Minnesota. Then I want to speak to what I believe has been a political economy argument that has been made, and I take sharp exception with what my colleagues have had to say.

As to Minnesota, believe me, the loan guarantees in this legislation will be much appreciated in my State of Minnesota.

My colleagues also mentioned the iron ore mine operations and the steel loan guarantee program sets a $30 million ceiling for iron ore companies. That is going to be particularly important to the Iron Range in northern Minnesota.

One hears a lot in the media about the Goldilocks economy we have. I heard some of my colleagues talk about this Goldilocks economy and how great it is; it is a booming economy, we are just humming along. For many of our people in Minnesota, especially on the Iron Range in northeast Minnesota, this Goldilocks economy is much too cold.

Already, 10,000 workers have lost their jobs due to a flood of illegally dumped imports. This is the worst crisis the steel industry has faced since the mid-1980s when 28,000 people left the Iron Range in Minnesota for good. We do not want to let it happen again. That is what this debate is about: people's lives, about whether or not we are going to see more broken lives, more broken dreams, more broken families. Now, all these statistics that my colleagues have been laying out, they affect real people in real communities. The surge of steel imports over the past year or so threatens thousands of people in northern Minnesota because iron ore mining is the mainstay of the Iron Range economy.

I thought what I would do, since we have heard all these abstract economic theories laid out here, is tell you a little bit about the Iron Range, about the communities, about the people whose future we hold in our hands.

Let me repeat that. I want to talk about the people and the communities of the Iron Range, because we hold their future in our hands.

More than 20,000 jobs in northern Minnesota depend on the iron ore industry, though less than a third of those workers actually work in the mines. The industry purchases over $876 million in goods and services annually from nearly 200 Minnesota communities, and it contributes more than $1 billion annually to our State's economy. The taconite production tax provides nearly $100 million annually for the support of Iron Range counties, cities, townships, and school districts, and it provides funding for economic development and property tax relief as well.

Most of this country's iron ore reserves are in the form of low-grade taconite found on the Mesabi Range of Minnesota. There is no shortage of taconite. In fact, the Mesabi Range holds about 200 years worth of pellet reserves. But the challenge has been to continue mining and processing taconite in a cost-efficient way.

I agree with my colleagues when they talk about the importance of being able to compete. No question about it. Back in the 1980s, the industry was told they had to modernize in order to compete with foreign steel. And they did just that. They played by the rules of the game. They poured $1 billion of investment into modernization, and they shed 10,000 jobs. As a result, the industry now has only 6,000 workers, and this industry is the world's most efficient.

With the boom in the national economy, some people in the Iron Range were starting to hope that they could dig their way out of the debt they piled up during the 1980s, make an addition to their house, save some money for their kids' college education, and attend to some of the needs they had too long neglected. But sadly, because of the steel crisis, many of those dreams have proved to be short-lived.

In 1998, LTV Steel Mining Company in Hoyt Lakes, MN, was forced to reduce its fourth quarter production by 360,000 tons, an equivalent of 66 jobs. Employees at US-Minntac in Mt. Iron, MN, were forced to make concessions last fall to prevent 133 layoffs. Employees at EVTAC in Eveleth, MN, now have nothing left to give. EVTAC permanently laid off 168 employees, a quarter of its employees, when it shut down one of its two pelletizing furnaces last week. EVTAC is fighting hard to stay out of Chapter 11. Two other Iron Range taconite facilities, Butler Taconite and Reserve Mining Company, both closed under similar circumstances in the mid-1980s. We do not want to go through that again.

The workers who were laid off at EVTAC, and workers throughout the Iron Range, and steelworkers all across the country are all looking to us for some help. That is where they should look. This crisis is not their fault. They were told to modernize and they did. This crisis is the result of illegal dumping. Unless we want to see a repeat of the 1980s, we must act.

Again, this piece of legislation, this loan guarantee is a good first step, but it is only a first step. Soon we are going to be considering legislation introduced by Senator ROCKEFELLER which will provide even more effective relief. I will be joining Senator ROCKEFELLER, and other Senators will be joining him, Democrats and Republicans. I heard some of my colleagues speak to that legislation, and I want to respond to some of their arguments.

It is unfortunate that we are in this difficult situation. We should have acted sooner. U.S. trade laws and the WTO recognize the legitimate need of every country to prevent extraordinary import surges such as this one from destroying its industrial infrastructure and eliminating thousands of jobs. Under section 201—let me be bipartisan in my critique—the administration could have imposed the same remedies as now provided in the Rockefeller bill.

Steelworkers played by the rules when they modernized their industry, and steelworkers paid the price for that modernization. They made the sacrifice. Steelworkers also played by the rules when they asked for Section 201 relief. But they didn't get it. The administration was implored for months to take action under section 201, and it chose not to do so. Now foreign steel exporters are the ones breaking the rules.

The question is not who is playing by the rules but, rather, which rules the administration chooses to apply. Now, my colleagues—as it turns out, Republican colleagues, though I am being critical of my administration, a Democratic administration—my colleagues talk about how this crisis is all the result of Adam Smith's invisible hand. But that is not quite the political economy that we are looking at.

The administration did not hesitate to slap 100-percent tariffs on imports from the EU when a top campaign contributor to both parties, Carl Lindner of Chiquita Bananas, had a trade complaint. Lindner's dispute with the EU hardly even involves American jobs. It concerns bananas grown in Central America. But we were there for them. Now when American steelworkers ask for existing trade laws to be applied, they're given short shrift. The message this sends to American manufacturing workers is that they are not a priority.

Moreover, this administration went the extra mile, working through the International Monetary Fund, to organize bailouts for Wall Street investors when their risky investments turned sour in Indonesia, Brazil, Korea, Russia and Mexico. But when American steelworkers asked for similar consideration under existing trade rules, they get short shrift.

So my colleagues come out here on the floor and they say this bill is terrible. The government getting involved in any kind of loan guarantees? This is the government running the economy.

That's hardly the case. When steelworkers say: How about some relief for us, how about some consideration for us under existing trade rules, my colleagues come out here on the floor and they say, this would lead to trade wars. This would do damage to Adam Smith's invisible hand. We can't do that.

I didn't hear those same colleagues when it came to the IMF organizing a bailout for the Wall Street investors when their investments went bad in Indonesia or Korea or Russia. I didn't hear the same colleagues come out and say: Oh my gosh, we have a government institution that's involved. When it's these Wall Street interests, it is fine. But when the workers ask for some support, it is not so fine.

The administration is concerned that limiting imports from Brazil, Japan and Russia could hurt their slumping economies. I have some sympathy for that argument. We should all be concerned about reviving growth in these countries. But American steelworkers are not a foreign aid charity. They should not be asked to pay the ultimate price, to pay with their jobs, for the failure of this administration's foreign economic policy. And I might add—given what some of my colleagues have said on the other side—I think the failure in foreign economic policy is also a failure of the Congress.

When the Clinton administration, working through the IMF, helped bail out Wall Street investors in Brazil, Russia, Indonesia, Korea and Mexico, it committed public resources. It didn't ask Wall Street to pick up the tab by itself, even though the major industrial institutional investors were by far the biggest beneficiaries of the bailout. The administration and some of my colleagues on the other side are now asking steelworkers to pay a price that they would never ask of Wall Street.

I hope we can pass that Rockefeller legislation next week. I hope the White House will withdraw its opposition and sign it into law. I heard my colleague from Oklahoma say that he had talked to Secretary Summers and he said the administration was going to veto this bill. I hope they will change their mind.

I say to the administration, you were there for the big investors when their investments went sour in some of these other countries. You used public money to help bail them out. You ought to have the same concern for steelworkers and working families in our country.

But we need to do even more than that. We need to widen our focus a little bit and address the root causes of this crisis. I heard my colleague from Texas speak about what has gone wrong, and I want to quarrel with his interpretation of international political economy. I think we should be working to change the rules of the global economy so that these kind of devastating crises do not keep happening.

I am not worried, like my colleagues are, about these loan guarantees. They will make a difference to an important industry in our country and will be important to so many working families. What I am worried about is our failure to make some changes in this global economy so we don't keep having these devastating crises happening over and over again. I am surprised I have not heard my colleague talk about this at all.

The long-term solution to this crisis is restoring economic growth around the world. The steel crisis was precipitated by the collapse of global demand following the Asian crisis, and worsened by the economic crises in Russia

and Brazil. Excess steel production is being dumped in the United States because our country is one of the few economies in the world that is growing right now. Only when we have global economic growth, only when this growth revives, will foreign steel producers consume more of their own steel production and find export markets other than the United States.

Although the administration claims to be working to revive foreign demand, its actions speak louder than its words. In fact, I believe its policies are marching in the opposite direction. They have tended to promote a ''race to the bottom''—a global trade competition that rewards those countries that can attract foreign capital by advertising the lowest labor, lowest environmental, and lowest safety standards, rather than raising environmental and labor and safety standards overseas.

When my colleague from Texas talks about the international economy, I will simply say, no wonder we are in trouble with these trade agreements that don't make sure there are some environmental standards and fair labor standards that other countries have to live up to. What you have is a situation where those countries have a workforce that can't buy anything. There is no demand for what we produce.

Those countries tried to export themselves out of the crisis, and our working families are hurt both ways. We are hurt because we can't export to those countries, because the people there don't have any money to buy. At the same time, we are competing against people who are working under exploitive, grinding labor conditions. This is the race to the bottom.

Why in the world has this administration not adopted a trade policy that makes much more sense for working people in this country, and for working people in other countries as well? Why, when my colleagues come to the floor, do they continue to talk about this international economy as if it were a level playing field? We dare not speak about any fair labor standards or environmental standards or any safety standards.

Despite recent encouraging economic news, there is compelling evidence that something is fundamentally wrong with the world economy. First, it is becoming increasingly obvious that the global economy cannot tolerate ever-increasing inequality among countries and within countries. Policies that lead to the replacement of good-paying union jobs with jobs that pay subsistence-level wages only contribute to growing and dangerous imbalances in the global system. Widening inequality at home and abroad depresses the consumer demand necessary to fuel our economic growth. We need to encourage foreign countries to raise their wages and increase demand, so they can consume more of their own production and stop dumping surplus production on our markets.

Similarly, I believe we must reexamine the orthodox view that export-led development is the key to prosperity. Not everyone can rely on export markets for their economic growth. The entry of subsistence-wage China into global competition makes this all too clear. Somebody has to buy all of those exports. For too long the United States has been the buyer of last resort, absorbing excess production from all the export powerhouses. While cold war responsibilities obliged us to play that role in the past, we cannot do this forever. If we want to have a manufacturing sector in our own country, we should aim to make exports a complement, rather than a substitute, to healthy domestic demand.

Third, we must come to grips with the related problem of overcapacity and excess production. For various reasons, in industry after industry, gluts have developed in the world economy. The problem of overcapacity is now made worse by the recession and deflation in Asia, Russia, and South America. We need progrowth, stimulative economic policies to restore some of that lost demand. Simply absorbing excess foreign production in the U.S. market is not a solution. We cannot indefinitely run record trade deficits that hollow out American industry, put American workers out of work, and lead to growing economic inequality.

Finally, I believe this administration must rethink its zealous commitment to unfettered capital flows, despite the fact that this is a top priority of the U.S. financial interests. Numerous economists have agreed that misguided Treasury, IMF, and OECD promotion of capital account liberalization was an important cause of the Asian crisis. The enormous amount of capital sloshing around the globe at lightning speed injects too much instability into the world economy, and it magnifies the dangers of capital flight, which the IMF cites as justification for plunging Brazil and other economies into deep recession.

Instead of placing a priority on the interests of Wall Street investors, the Clinton administration and some of my Republican colleagues should look out more for the interests of average Americans, such as American steelworkers. Its top priority should be Main Street, not Wall Street. It should ignore Wall Street's demands for more IMF austerity overseas, which is designed to safeguard Wall Street investments but ends up creating problems that are later dumped on the backs of American workers. The administration should promote worker rights overseas, rather than demanding antilabor changes in foreign countries' labor laws—as it has done for years, to the applause of Wall Street. And it should promote policies that reduce economic inequality overseas by ensuring that the growth is more broad-based and less lopsided.

By promoting more robust, more balanced growth, stronger unions, and more widely shared prosperity overseas, we can help create enough foreign demand so that these countries can consume more of their own production and stop dumping their excess production on our markets. That is the core problem. Looking out for average working people here in the United States and overseas is a win-win proposition.

We need a change in policy. Last month, our trade deficit reached record levels. Without a change in course, I am afraid this administration will simply repeat the mistakes of the late 1970s and 1980s, when over 350,000 steelworkers lost their jobs and 28,000 workers left the Iron Range for good.

This is why I speak on the floor of the Senate, not just to support this loan guarantee legislation today, which we need and which is important, but also to support the bill Senator ROCKEFELLER will bring to the floor next week that I intend to be out here supporting.

I am afraid that this administration's solution to the global economic crisis, and I am afraid given what I heard my colleague from Oklahoma and my colleague from Texas say on the floor of the Senate, that their solution to the global economic crisis will be to ask Americans to continue absorbing more and more imports. Their solution will be to ask—mainly unionized—manufacturing workers to look for jobs elsewhere.

Mr. President, this is no solution at all.

I yield the floor.

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

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator DEWINE. Does he want to speak?

Mr. DEWINE. I would like to speak for about 10 minutes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio and that I be recognized when he finishes.

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

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from New Mexico. I will try to be brief.

I rise today to support the bill my colleague from New Mexico, Senator DOMENICI, and Senator BYRD, have brought to the floor. This bill has great significance in my home State, but I think it also has great significance for this country.

I rise today to express my strong support for this bill. Our steel industry today is in trouble. Why? I think as we engage in this debate we need to start at the beginning of the story.

To my colleagues who have risen on the floor this afternoon opposed to this bill, I would point out one thing that I think their comments have failed to reflect; that is, we are here today because of illegal activity. We are here today because of illegal dumping of

steel into the United States. That is an uncontroverted fact. That is what the truth is. That is what the finding has been. Steel has been dumped repeatedly, month after month after month, and it has been dumped illegally. That has been the findings. That is why we are here today.

Last year, U.S. steel producers had to withstand an onslaught of illegally imported steel. In 1998, 41 million tons were dumped. That represented an 83-percent increase of imported steel for the previous 8 years. In other words, if you took the previous 8 years and looked at the amount of imported steel on the average for those 8 years, what you would find is that when we got to 1998, and compared 1998 to the previous 8 years, it went up 83 percent. That is a phenomenal increase in the importation of steel. It is no accident. This was clearly dumped.

Many steel companies are, obviously, reporting financial losses, most attributable to the high levels of illegal steel imports. It has been estimated that 10,000 Americans—10,000 workers, 10,000 families—have already lost their jobs because of this illegal dumping. The Independent Steelworkers predict job losses as high as 165,000, if steel dumping is not stopped.

I introduced a bill. Some of my colleagues in the Senate have introduced other bills—Senator BYRD, Senator ROCKEFELLER, Senator SPECTER, Senator SANTORUM. It is legislation that we will be taking up shortly. I believe it is time for action. All eyes of this country and the world are today on the Senate. The question is, Will we respond to this crisis?

Certainly a good first step would be the adoption of the bill before us, Senator BYRD's steel emergency loan guarantee program. This loan program is designed to help troubled steel producers that have been hurt by the record levels of illegally imported steel. For many companies, this program is the only hope they have to keep their mills alive and their workers working.

Specifically, the program would provide qualified U.S. producers with access to a 2-year $1 billion revolving guarantee loan fund. In order to qualify, steel producers would be required to give substantive assurances that they would repay the loans.

A strong and healthy steel industry is absolutely vital to our country. It is vital to our national defense. This bill has a lot to do with national defense. It is essential, if we are going to have the national defense we want—if we are going to have the security we want in this country—that we always have a vibrant, energetic, tough steel industry. This bill speaks to that issue.

This bill also has to do with an even bigger issue; that is, whether or not in this country we are going to continue to make things and manufacture things and be producers.

There are some people who have been quoted—some people even in this administration who have been quoted—saying things which would give you the impression they really do not care if we produce things anymore, that being a service-driven economy and an information-driven economy is enough. While service is good and information is good, and they produce jobs, we still have to produce. We still must be a manufacturing country, if we are going to retain our greatness.

Fortunately, today, our steel industry is a highly efficient and globally competitive industry. It wasn't too many years ago that the critics of the steel industry, sometimes very correctly, would criticize the industry. They would say: You are fat, you are flabby, you are not tough enough, you are not lean enough, you have to invest, you have to modernize, and you have to do things differently.

As a result of that, and as a result of some very tough times in the 1970s and 1980s, the steel industry in this country did that. They did it. They invested billions of dollars. They modernized. They made the tough and the hard decisions that they had to make to be efficient. Yes, the workers made sacrifices as well. The unions made sacrifices as well. Everyone knew they had to pull together. It was not always easy, but the result is that we have a steel industry today in this country that is better than any steel industry in the world.

If you strip away the subsidies by other countries that are subsidizing their steel industries, you will find that we can compete with any company in the world—with any country in the world—in the production of steel.

Yet, despite all of this great effort, despite this modernization, our steel producers face a number of unfair trade practices and market distortions that are having devastating impacts in Ohio and other steel-producing States. That is not just MIKE DEWINE speaking. Those are the findings that have been made.

I have heard about this crisis firsthand from industry and labor leaders. In fact, I have looked into the eyes of steelworkers, whether it be in Steubenville, OH, or in Cleveland, OH, or in other places. All they want is a fair chance to compete and a fair chance to recover from the illegal dumping that has already taken place.

One of the things I point out is that one of the reasons for this bill, despite our other bills that we hope to pass in this session, is they do not in any way stop the illegal dumping that has already taken place, and has taken place for well over a year. So this bill is needed to rectify some of the problems that have been created by this illegal dumping.

Many steel companies are in serious trouble and are in desperate need of immediate assistance. The short-term loans that would be provided under this program will provide that very assistance without burdening taxpayers, because if steel plants close, if workers lose their jobs, taxpayers would be forced to pay for unemployment compensation, food stamps, Medicaid, housing assistance, Medicare, and on and on and on, all of which will certainly exceed the total cost of this program.

Again, the steel companies are required to repay the loan within 6 years, provide collateral, and pay a fee to cover the cost of administering the program.

I am a free trader. I believe free trade, though, does not exist without fair trade. Free trade does not mean free to subsidize. Free trade does not mean free to dump. Free trade does not mean free to distort the market. That is exactly what has been taking place month after month after month.

Our trade laws are designed to enforce these basic principles. However, the current steel crisis underscores flaws and weaknesses in our current laws. I am, therefore, pleased the majority leader has indicated he has reserved time within the next several weeks to deal with many of these other problems, and to look at some of the remedies, proposed remedies that I and some of my colleagues have proposed.

The House has already acted. I believe it is time for us to act. Today we have an opportunity to help an industry that throughout its long and illustrious history has been there for our country, has been there for our national defense. We should pass this bill and commit to adopting meaningful legislation to deal with the steel import crisis.

I thank my colleague, Senator DOMENICI, for his leadership on this bill, Senator BYRD for his tireless efforts, Senator ROCKEFELLER and the other members of the Senate steel caucus who have worked on this issue.

This bill will help. This bill will save jobs. This is about our national security.

I emphasize how important I think it is as our colleagues consider the merits of this bill that they remind themselves of one basic fact: We are in the Senate today to consider this bill because illegal dumping took place and it took place month after month after month after month.

The steel companies, the steelworkers did nothing wrong; they did everything right. They modernized, they made the sacrifices. They want the opportunity to compete. Given that free opportunity, they will not only compete, they will win.

I thank my colleague for yielding time to me.

Mr. DOMENICI. Under the order, I am to proceed. I note the presence of Senator ROCKEFELLER and I will yield to him in 1 minute.

In my case, on behalf of oil patch—not Exon and Texaco; these loans do not apply to them—the question has been asked: Why them? As if the United States and the Congress of the United States has not helped businesses that are in bad shape, that are regional or national in nature. And I have no complaints about that help.

Let me suggest that since 1993 we have, under supplemental appropriations as an emergency measure, appropriated $12.8 billion for agriculture assistance. That is not oil patch. I voted for agriculture and I live in a modest agriculture State. I was told that it would help, so I voted for it.

Natural disasters, the kind that you can hardly avoid calling a disaster, but I think oil patch is a disaster. I will explain that further in my remarks following Senator ROCKEFELLER.

Let me talk about natural disasters. People wonder whether emergency designations are useful in this country. In the same period of time, 1993 through 1998, we have spent $36.1 billion for natural disasters without batting an eye. Some of them cost $5 billion.

We are concerned about oil patch, especially the small people whose businesses are right down at rock bottom, and the patch isn't flourishing so the bankers are wondering whether they should loan to them. We want them to know we are concerned.

I will discuss the numbers. Oil patch, oil rig, oil well drilling, and related activities in America have lost more jobs in the past 10 years than any American industry. Our dependence continues to come down. We are starting to close wells off so they cannot ever be used, because they are too small and too expensive because the price is too low. The companies that work them are going to go broke. We think some are viable and banks might look at them and say with this kind of approach, although the banks will have to risk something under the new approach, we think it might help a few.

We have had $36.1 billion in declared emergencies for related damage in natural disasters, $12.7 billion for agriculture, and some Senators think it should have been double that already.

I have not been called upon to vote on whether that is enough or not. I listen when we are presented with problems and I do what I can for a part of America's economic sector. That is why I said if we are going to help steel—and I think we ought to do that; I have heard some wonderful Senators discuss why we should—I thought we ought to say something to the oil patch of the United States, since the same kinds of problems are occurring in Hobbs, NM, Eunice, NM, medium and small towns in Texas, Oklahoma and elsewhere, and across the oil patch States of this land.

I yield the floor.

Mr. ROCKEFELLER. I thank my friend from New Mexico.

Mr. President, in a sense what we have now is the torch being passed. Any number of Senators have described—and I will not, therefore, try to repeat any of that—how this whole steel crisis, not to mention the oil patch crisis, has developed.

It started in 1997. In the history of recorded trade statistics, as long as our country has been keeping trade statistics, there has never been an import surge of the magnitude, in any commodity at any time, as there has been in the last 2 years in steel. It started off with three countries; it is now all over the world.

The Secretary of Commerce put out a release saying it is wonderful the steel crisis is over. I wonder where he has been.

We should understand that the steel crisis is deep. If you take the first quarter of 1999, the first 3 months of 1999, and compare that to the worst possible months of the steel crisis, the first quarter of 1998, last year, the total improvement which the administration keeps trying to talk about—I think they know it is wrong and the administration realized it hasn't done anything about this problem and it will be paying a price for it—the total decline from the 1998 first quarter to the 1999 first quarter is a total of 5 percent worldwide on all steel. That is going from the worst steel statistics in history and a 5-percent decrease. That could go right back up.

The torch has to pass from the administration protecting our national trade laws, protecting free and fair trade, to us. Now we have to do something about it because they have declined to.

I have been to everybody all the way up to the President and Vice President on a number of occasions. Expressions of interest but no results, no action taken.

This affects the lives of my people; it affects the lives of people in many States. I hate to see that.

I used this analogy on the Finance Committee. Football is a rough sport, as is international trade. International trade is a rough sport. Everybody is trying to get the advantage of everybody else and undersell. In football, you can get hurt—any individual player, a large or small player. They have rules. That is why we have rules. That is why they have referees.

If you are a linebacker and you charge through the line and you get through and you hit the quarterback on the helmet with your elbow, you are penalized. You know that beforehand and you may get thrown out of the game for that.

If you are inbounds and you are a pass catcher and you run out of bounds, that is no good. You jump offside, you get penalized.

Everybody knows the rules. The more they play the game, the more they know what the rules are. That is what has kept the integrity of the game, because of its predictability. Secondly, it kept a lot of people from getting their heads taken off and knees broken. Football is tough anyway, as is international trade.

So, there are rules. We have rules in international trade too. And we set them; the Congress set them and the administration set them in previous years. It is the Trade Act of 1974. It sets out a whole series of these rules. The administration keeps saying we are going to abide by the rules; we are abiding by the rules; we plan to abide by the rules. Of course, they are not. So the torch is passed to us. And there are a couple of points there I need to make.

The bill is incredibly important. There is also a bill going to be taken up on a cloture vote next week, on steel quotas, which is incredibly important. It is very important for my colleagues and their staffs to understand; the vote this afternoon on this excellent bill of Senator BYRD and Senator DOMENICI and the bill next week which deals with imports are totally separate and different; that if you vote for this one, it does not mean it solves the import problem, or if you vote for that one, it doesn't solve the financial problem that this bill helps with. They are separate bills.

So anybody who says, I voted today for Byrd-Domenici; therefore, I do not have to worry about next week because we have taken care of the problem, does not understand there are two totally different subjects. I cannot make that point strongly enough. This one is about the finances of companies that are going under, giving them a chance at commercial rates, repayable—to go to banks, because they cannot now borrow, and to be able to borrow a little bit, to survive a little bit longer—whether it is the steel mill or the oil patch. That is terribly important for the viability of those industries.

Then, equally important, since this bill has nothing to do with the import problem which created all of this—that is what next week's vote has to do with, the problem of the imports and how do we adjust the import problem on a short-term basis to bring some fairness to what we like to call free trade but which is practiced virtually only by us. It used to be practiced by Hong Kong. I don't know how they are on it now. But it is practiced by nobody else in the world. So all the steel comes into us: India, up 72 percent; Indonesia, 60-something—it doesn't matter where you go, the numbers are up, because they know, the word is out, if you want to dump subsidized or underpriced steel in the United States, they will take it. So it puts people out of work. It does not matter to them. They will go ahead and take it.

That is what I call the best way to destroy the possibility of a national coalition for a trading system, which I believe in. I am somebody who has always voted for fast track and somebody who believes in engaging the world. I have worked very hard within my own State—which is not particularly an international State in its viewpoint, being landlocked in the mountains, so to speak—to make my people understand the global economy is part of their economy, we are all part of each other's economies, and we can sell products to other countries and they can invest in West Virginia, and this is all good; so we are all part of an international trading system.

But there have to be rules in that. If you allow the quarterback to have his head given a concussion, it is very important the referee be there. But the referee usually does not have to be there, because people know what the price will be: You will get tossed out of the game or you will get a penalty of 15 yards. So all kinds of fair play is carried on on the football field, because people know what the rules are.

Again, the torch is passed to us, and I think we have two duties. One is, we have to pass this excellent bill this afternoon. We should have passed it much earlier when it was the subject of earlier consideration. Then it got done in, in conference. I am terribly glad Senator BYRD, my senior colleague, and Senator DOMENICI, have combined forces to help on this.

Frankly, it is important to combine forces sometimes on bills around here, because there are only 16 States that are major producers of steel. I do not know how many States produce oil, but I suspect there are not that many. So this is a very good opportunity for us to give those companies a chance to go to the bank, to get some money to be able to exist for a few more months or another year or so. It is not going to do anything about the import problem, which is the real cause of the devastating human crisis in steel.

So we, as a legislature, as a Congress, have to decide, as the House has already decided by an overwhelming margin, that steel is important to America. This is not just a question of West Virginia or Ohio or Minnesota or other places; this is a national crisis. Senator DOMENICI has said, I don't know how many times: When Members on my side of the aisle—the other side of the aisle—come up to me and say I have this milk support problem, I have this farm support problem, I have this food support problem, I have whatever it is, I am always there. I am always there, because I believe it is as if you built the interstate system in this country and, because Pennsylvania is bigger than West Virginia, you made it four lanes in Pennsylvania but you only made it two lanes in West Virginia and then it went back to four lanes in Ohio. That would not be very smart. No. 1, it wouldn't fulfill the work of a national defense highway system. No. 2, it would cause massive traffic jams.

So we understand we are all part of each other's destiny. West Virginia, insofar as I have been able to determine, has no oceans on our boundaries, but we pay taxes to support the Coast Guard. That is as it should be, because we have an obligation to each other, as West Virginia does to those who use the Coast Guard on coastal areas in different parts of the country. So that is part of our compact in America. It is part of our contract with each other, that when a region needs help, when an industry needs help, if there is a reason and possibility of doing so, you try to do that.

This one is particularly good because it helps companies get money they cannot otherwise get. The international trade situation is more complex and, in the longer run, will probably do more to solve the problem, because it actually deals with the level of imports. It says to other nations, we are not going to be Uncle Sucker forever, or, in this case, at least for a period of 3 years. It is not radical. People think, what are we doing this for?

What is interesting is that over the years the average foreign imports of steel into the United States—over the last 30 years, let's take it—is probably less than 20 percent. Less than 20 percent is usually what foreign countries export into this country, what we therefore import into this country; less than 20 percent of all the steel we use comes from other countries. That is the way it has been. That is perfectly acceptable as a figure.

Interestingly enough, in the bill coming up next week, that figure can range as high as 23 percent, certainly no lower than 18 or 19 percent. It is only for 3 years. But it is a way of saying we in America, if we are going to get into this, deeper and deeper into the international trading system, we really do care about our rules. We really do think about our quarterback's head. We think the chop blocking, which can break a young man's knees or legs, is wrong, and there are rules about that. We actually passed those rules in the Congress, and the President signed them all in a previous era, and they apply today, and we all live by them—except that we do not.

So, in closing, I want to say these are two distinctly important decisions we are going to be making in separate weeks on separate bills. The one today is filled with merit. It is tremendously important. It is part of the comprehensive solution to the problem.

But, then again, the one next week is the one that deals with imports, and it is the only one that deals with imports. So we need to do both of those so no Senator thinks that, because that Senator has made a particular vote on one day, he does not have to face up to the same situation on another day, because they are entirely different problems that each bill addresses.

This is a matter of high urgency in the part of the country I come from. I was Governor of West Virginia for 8 years, and I dealt in 1982 and 1983 with 21-percent unemployment. That is not a whole lot of fun, when 1 out of every 5 people you pass does not have work. There is not a family in West Virginia that is not accustomed to not having work or has not dealt with it.

We are on the way back, but we are going to get knocked down if this steel import crisis continues. I do not want that to happen to Ohio. I do not want that to happen to Pennsylvania. I do not want to have that happen to Arkansas, Utah, Texas, or any other State. I do not want that to happen. It does not have to happen, and it is not even a budget matter. It is a matter of fair trade, fair play, rules that we have passed and by which we should live.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thought I had reserved under my UC request my right to speak, but I was mistaken. As we called on other people, I did not repeat my request. There is no unanimous consent agreement recognizing me. I understand the Senator from Arizona wants to offer an amendment, so I yield the floor.

Mr. MCCAIN. Mr. President, I will be glad to wait until Senator DOMENICI finishes his remarks.

Mr. DOMENICI. I have finished my remarks, I say to the Senator.

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

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

AMENDMENT NO. 685

(Purpose: To restrict the spending of any money for these programs until they are authorized by the appropriate Committees and the authorization bill is enacted by Congress)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its 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 685.

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

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

The amendment is as follows:

On page 48, between lines 17 and 18, insert the following:

(c) Notwithstanding any other provision of this Act, no amount appropriated or made available under this Act to carry out chapter 1 or chapter 2 of this Act shall be available unless it has been authorized explicitly by a provision of an Act (enacted after the date of enactment of this Act) that was contained in a bill reported by the Committee or Committees of the Senate with jurisdiction over proposed legislation relating primarily to the programs described in section 101(c)(2) and 201(c)(2), respectively, under Rule XXV of the Standing Rules of the Senate or the equivalent Committee of the House of Representatives.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment is pretty straightforward. It restricts the expenditure of funds for loan guarantee programs until the appropriate committees have authorized the expenditures for these programs and these authorizations have been approved by the Congress.

In other words, with this amendment, we carry out what is supposed to be the procedures of the Senate, and that is, before taxpayers' dollars are expended, they are authorized.

All of my colleagues know that this loan program for steel, oil and gas companies has been inserted into the appropriations bill, and it has not gone through the authorizing committee process.

The legislation creates an unnecessary and unwarranted loan program for steel, oil and gas industries. Once again, Congress is seizing an opportunity to engage in the all-too-common game of pork barrel politics. The bill was originally intended to address the President's request of $6 billion for the war in Kosovo but quickly became a vehicle for a hasty and ill-conceived program to subsidize the steel, oil and gas industries.

The bill creates a $1 billion loan guarantee program to support the domestic steel industry and a $500 million loan guarantee program for oil and gas companies. These programs will provide loan guarantees of up to $250 million for any domestic steel company, $10 million for any oil and gas company that ''has experienced layoffs, production losses, or financial losses.''

I do not take lightly the value of these industries to our Nation, nor do I disagree that in the case of steel imports, illegal dumping of foreign steel has occurred. However, I question the wisdom of creating an emergency loan program to subsidize an industry that finds itself in trouble. We set a dangerous precedent by opening the Federal Treasury to industries facing economic difficulties.

Specifically, I have three problems with this measure. There is no need for these substantial loan programs. The legislation is fundamentally flawed, and using the appropriations process to enact this measure circumvents the normal authorization process. These elements are common in all three loan programs. I will focus my comments on the steel loan program because I believe it is the driving force behind this matter and the most egregious.

First, I seriously question the need to create such a substantial loan guarantee program. During today's debate, I am certain my colleagues will forewarn and have forewarned the dire consequences to the steel industry if we fail to enact this legislation. As my colleagues hear these predictions, I ask you to keep a few facts in mind.

In 1998, the U.S. steel industry produced 102 million tons of steel. This was only slightly below the record of 1997 of 105 million tons, making it the second highest production year since 1980. This record production year resulted in earnings of $1.4 billion. Furthermore, 11 of the 13 largest steel mills were profitable. These numbers make it difficult for me to understand the need to create a $1 billion loan program.

Even if there were a steel crisis, it is certainly over. Citing Commerce Department statistics, the White House recently stated that during the first quarter of 1999, overall steel imports returned to the traditional pre-crisis levels. In fact, imports were down 4 percent in comparison to 1997. Again, the need for this program at this point eludes me.

My second concern is that the bill will result in the needless loss of taxpayers' funds. Supporters argue that this measure is paid for with budget cuts and administrative fees. They point out the program guarantees loans and does not actually lend money. This assertion ignores the history of such loan programs.

In the mid-1970s, the Economic Development Administration operated a similar program for the steel industry. The result of that program was disastrous for the taxpayers. Steel companies defaulted on 77 percent of the dollar value of their guarantees. An analysis of that loan program by the Congressional Research Service concluded that loans to steel companies represent a high level of risk. Nevertheless, we are poised today to provide an additional $1 billion in guarantees. I find it ironic that at a time when the American public is demanding reform of our public institutions, we offer them the failed economic policies of the 1970s.

The measure also fails to require that losses triggering access to the loans relate to the so-called steel crisis. Therefore, companies that lost production as a result of the 54-day GM strike will also be eligible for the loan program.

Furthermore, the program could benefit companies that suffer losses after the steel crisis was over. Companies that suffer losses or layoffs in 1999 or even the year 2000 are eligible for the program. Many of the losses suffered by steel companies are the normal result of operating in a competitive global market.

The measure also fails to set terms, conditions, or interest rates for the guarantees. Instead, it leaves these critical decisions to the discretion of the board making the loans. The only guidance given to the board is that the terms should be reasonable. These provisions are problematic and will likely result in taxpayers guaranteeing bad loans.

Finally, I have serious concerns about how this provision was brought to the Senate floor. I will remind my colleagues that our forebears intended the Senate to be a forum for reasoned and informed debate. Unfortunately, some Members choose to legislate complex and controversial matters in appropriations bills. The result is a hasty review of legislation with very little time to identify and discuss its implications. It also denies the committee of jurisdiction the ability to review these important measures, which will require the commitment of millions of taxpayer dollars.

The amendment that is at the desk will restrict the expenditure of funds for the loan guarantee programs until the appropriate committees have explicitly authorized the expenditure for these programs.

Authorizing on an appropriations bill has become an all too common event in the Senate. However, this is one of the most egregious examples of legislating on an appropriations bill I have seen since I have been in Congress. Out of the more than 20 pages of text in the bill, only 23 lines contain appropriations language. The rest of the bill goes on to authorize a $1 billion loan guarantee program for steel companies and a $500 million loan guarantee program for oil and gas companies.

These programs will place at risk hundreds of millions of taxpayer dollars. It will do so without a hearing, without testimony from those affected by it, and without the consideration of those who have the most experience with loan guarantee programs.

I point out also that this legislation is complex and controversial. My colleagues will offer amendments today which attempt to resolve some of these issues, but this process is inadequate and is not a substitution for the authorization process.

The appropriate authorizing committee should be allowed to examine the provisions of this bill. They can most appropriately determine what remedies, if any, should be taken to help the domestic steel, oil, and gas industries. Instead, these loan guarantee programs are simply being rushed upon us on the Senate floor without proper consideration.

This amendment requires that the measure go through the normal authorization process that every other measure should go through. I hope my colleagues will support the amendment.

I listened carefully to the words of the Senator from West Virginia, who is an individual I admire and appreciate. He is a person of great compassion. I believe I share that compassion, whenever there are changes or layoffs in industries that for one reason or another are unable to compete in what is now becoming increasingly a global marketplace.

I also am happy to say I will support job training programs, ways for workers to make a transition into other lines of business and work, retraining, and other public-private partnerships, of which there are many in America today.

But there should be one lesson that the 1970s and 1980s and early 1990s have taught us, and that is the economy of the world is undergoing a profound and fundamental change. We are changing from what once was an economy based on the steel industry, the oil industry, the railroads, the automobile industries, the product of the industrial revolution, to one which is rapidly evolving into a high-tech information, technology-based economy.

I refer my colleagues to the testimony of Alan Greenspan to the Joint

Economic Committee in the last few days. It is a very illuminating discussion of the transition that America's economy is undergoing.

This transition overall has led to the strongest economic period in the history of this country. There is literally a kind of prosperity that, thank God, is affecting this country which is providing jobs and opportunities that we literally have never seen before in our lifetimes. That is the good news.

But the bad news is there are industries which, for a broad variety of reasons—which we have seen throughout history, as certain industries have been replaced by others—either cannot compete or there is not a need for the product that they manufactured.

I remember once visiting Pittsburgh, PA, once one of the heartlands of the steel industry in America, and seeing where there had once been steel mills; and there were the ensuing environmental problems associated with that. Now high-tech industries, that are clean industries, are employing people at equal or higher salaries.

People in Pittsburgh went through a wrenching change. I remember in the State of California, and to a lesser extent my State, when we started cutting back on defense spending in the early 1990s. Literally hundreds of thousands of people lost their jobs because of the cutbacks in defense spending.

Now I travel to California and see a booming economy, an incredibly, unbelievably, booming economy, both in my State and the neighboring States. What happened? It went through a very wrenching and difficult experience going from a defense-dependent industrial base to now a high-tech information technology base.

It was not an easy transition. Hundreds of thousands of people lost their jobs in California. But I know of no one who said: Keep spending this level of defense money and prop up these industries forever, because we don't want them to lose jobs because they're going through difficult times.

I have the greatest sympathy for any steelworker who is out of a job. I will do everything I can to help in retraining, in job opportunity, and education for those workers. But if there should be one lesson we learned in the 1970s and 1980s, it is that you cannot keep industries in business with Government subsidies, because if they cannot compete without them, over time they will not be able to compete with them.

As much as I admire and respect the Senator from West Virginia, he and I have a profound philosophical difference of opinion about the role of Government. He said we should help whatever industry is in trouble. Yes, we should help, by trying to take care of the displaced workers, but not by keeping obsolete or noncompetitive industries in business when we have the ability to transition into much higher-paying jobs and better industries that provide advancements in technological improvement for all of our lives.

I often have the pleasure of debating my dear friend and colleague from South Carolina, Senator HOLLINGS, who makes an impassioned plea for the textile industry in South Carolina, and bemoans, laments the great dislocation that took place there. I had the pleasure of going to the BMW plant which, thanks to a great degree of effort by Senator HOLLINGS, located in Columbia, SC. There are more jobs, higher-paying jobs, expanding jobs, and much better working conditions at the BMW plant than there were in the textile mills.

The transition is going on. The transition is going on at an even more rapid pace than any of us in this body ever anticipated, and as a fundamental change from an industrial-based economy to one which is now increasingly technological-based.

Those that take advantage of this opportunity and make the transition will grow and prosper. Fifteen years ago there was hardly a Member of this body who new where the Silicon Valley was; now everybody in America knows where it is.

Recently, in the past few weeks, a corporation called Global Crossing announced they were going to merge with U.S. West, one of the largest telecommunications companies in America. Three years ago, Global Crossing did not exist as a corporation. This same story can be repeated throughout America's economy.

We should not be spending our time authorizing on appropriations—not even authorizing. We should not be spending our time appropriating money to subsidize companies and corporations with loans which history shows us had a 77-percent default the last time we did it.

What we should be doing is making every effort we can, as a Government, to help them make the transition, which sooner or later they will inevitably go through. Because over time, the harnessmakers, once the automobile was invented, went out of business. It will happen here, too.

Again, I want to point out that I will do everything I can to help any worker who is displaced. I will support Government programs that work. I will especially support public-private partnerships, which have been largely successful, to provide America with the educated workforce necessary to take advantage of this incredible change that is going on in America and the world, in which America leads.

But to go back to a failed program of subsidized loans, in which in the 1970s the steel companies defaulted on 77 percent of the dollar value of their guarantees, and eventually ended up, by the way, in just as bad shape as they were in before they received those guarantees and defaulted on all those loans, I think is a serious mistake, a failure to recognize that, as societies change and industries change, and as evolution goes on, to try to have Government intervene and subsidize is not a success.

That is why I oppose this amendment, not only on the grounds of the procedures involved, which I find, as an authorizing committee chairman, offensive, but the concept and the idea that somehow this will succeed, I believe, flies in the face of all historical data, and, by the way, also flies in the face of what we Republicans are supposed to stand for.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the vote be delayed until the majority and minority leaders agree as to the time for the vote.

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

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to offer support for the legislation that is brought to the floor this afternoon and to make a few comments about the legislation itself. Let me especially comment on the subject of steel.

I come from a State that doesn't produce any steel. North Dakota is predominantly an agriculture State. But the roots of the problems that confront our steel industry, in many ways, are common to the roots of the problems that confront a number of industries in our country today, especially and including family farmers.

I haven't heard the news this afternoon, but I understand that the monthly trade deficit results are to be announced today. My expectation is that the announcement today will conclude that we have another record monthly trade deficit, probably the fourth in a row, probably $20 billion that we have gone in the hole in this country in our trade relations. This probably amounts to somewhere between $250- to $300 billion a year just in trade in goods and services. The deficit in trade in goods will be much higher than that, perhaps over $300 billion.

What does that mean? It means that this country has to borrow in order to finance its trade deficit. It means, at least in the field of economics, to the extent there are any certainties, that this country will have to repay this trade deficit at some point in the future through a lower standard of living. Is it a problem? Is it of concern? Apparently not to many people, because there is not much discussion about it. I think it is a very serious concern to this country.

People make the point that we have a good economy and we have prospered. That certainly is the case. Unemployment is very low. Inflation is almost nonexistent. Believe me, the Federal Reserve Board is on its hands and knees with magnifying glasses searching for signs of inflation. If they don't

exist, the Board will try to find them. They are so concerned about it. But homeownership is nearly at a record high; new housing starts are nearly at a record high. There is a lot of good news in this country's economy.

But there are clouds on the horizon because of this trade deficit, a record high trade deficit. And it is rising rapidly. We have a trade deficit with China that is very substantial; an annual trade deficit with Japan somewhere in the neighborhood of $50- to $60 billion—in fact, about the same level with China. We have a trade deficit with Canada, a trade deficit with Mexico, and the list goes on.

Some come to the floor and say, well, we must be required to compete. I say, absolutely. If the family farmers I represent can't compete with others in the world, then we are not going to make it. But the question is not, will we or shall we compete; the question is, what are the rules of competition? How do we compete? Are we to say, let's tie our hands behind our backs? Then we will see how well we do. Is that competition?

For example, you run a manufacturing plant in this country, and you produce widgets. We say: You must compete with all other widget makers in the world. By the way, you have to pay a living wage, a minimum wage. By the way, you cannot dump your chemicals into the rivers and into the air. By the way, you cannot hire 10-year old kids. By the way, you can't pay them 14 cents an hour. And, by the way, your factory must be safe.

Well, the widget maker says: Well, we know that we fought about that for 75 years and lost all those fights. We have to pay a minimum wage. We have to have safe workplaces. We have to abide by child labor laws. We have to abide by antipollution laws, and we don't like it. So what we are going to do is pole vault right over this geographical barrier and go to another country somewhere else in the world. We are going to hire kids. We are going to pay them peanuts and put them in unsafe plants. We intend to dump our chemicals in the air, and we intend to pollute the streams. We are going to produce the same widgets, and we are going to send them back to Pittsburgh, Fargo, Los Angeles and Kansas City and sell them there.

I ask the question: Is that fair competition? Is that what people mean by competition? You must be able to compete, and if you can't compete, quit? You must be able to compete, and if you cannot compete, go broke? Is that fair competition?

The answer is, of course, it is not fair competition. We have fought for three quarters of a century in this country over these issues. People died on the streets from gunfire, marching for their rights as workers to organize for better wages, for safer working conditions, for all of these issues.

Now, some say: But it is a global economy; you just don't understand. Competition now is not with the rules that we would describe as reasonable. The rules are whatever you can find anywhere in the world if you are a producer. That represents fair competition?

Where I come from, that is not fair competition.

I frankly admitted, when I started, I do not know much about the steel industry. We do not produce steel in my State. I do not expect we will in the future ever see a strong economy that does not have manufacturing activities in automobiles and steel and other things that represent the central tenets of a strong economy. I don't think you can decide that you will have a strong economy if your manufacturing base is gone.

I get in the car and turn on the radio and drive to work. The news report on the radio tells about America's economic health. It is always about what we consume, not what we produce. It is always about the economic health as measured by what we consumed last month. Consumer spending is up. Spending is this; spending is that.

That is not a sign of economic health. What you produce is a sign of economic health. What you produce determines who you are and how you are doing.

I find it interesting—I know Mr. Greenspan is on the Hill today testifying, and I know Wall Street will weigh every word he says for some nuance about what the Fed might do with interest rates. The stock market will rise or fall like a bobber in the ocean, based on what Mr. Greenspan says.

You ask Mr. Greenspan, and he will have to admit it—so will the governors of the Federal Reserve Board—does a heart attack or a car accident represent economic growth to an economist? The answer is, of course. Heart attacks and car accidents represent economic growth in the data that economists use to determine how well our country is doing. Because a car accident means someone must fix a fender; a heart attack means someone is employed in emergency rooms.

So you ask yourself: What do these economists tell us? What do they mean? What does it say about our country? What do they measure?

Family farming is why I came to the floor today. Family farming suffers, too. We have steel manufacturers in trouble and going out of business. We have people being laid off. So the Senator from West Virginia says we ought to be concerned about that. We should.

Is a steel plant like a harness for a two-hitch team, destined to be gone forever from the landscape of this country because it can be done elsewhere much less expensively? I don't think so. I don't think anyone in this country would suggest that our country—with the kind of economic power and might that we have—is a country that ought to do without a strong manufacturing sector or a country that ought to do without a strong steel manufacturing capability.

Then what about farming? When we talk about farming, people say: Well, the farmer must compete. It is agriculture, some monolith called agriculture.

It is not that in my State. It is families. It is not just families planting some wheat that they hope to harvest in the fall. It is families that live out on the land, that help create a small town, that help provide economic sustenance on that main street, that organize the church, that support the school, that support the charities. That is what family farms are all about. Some people may say that you can get rid of all of those families. America will be farmed. Corporate farms can farm America from California to Maine, hardly stopping to put some gas in the large tractors they would use to pull those plows. But it would not be the same because corporate farming isn't going to stop at a small town in Hettinger County to say: Let me help form that church, or that school, or help nurture Main Street, or help with a lifestyle that really breeds family values.

I hear people stand and talk about family values all the time on the floor of the Senate. There is nowhere in this country that nurtures family values any better than on the family farm. I am not saying they are better than anybody else, but I am saying that families living in the rural reaches of our country, with a yard light illuminating that life, they are the ones who really do it alone—except when there is trouble, all of their neighbors are there to help. That is the way farmers in a rural neighborhood are.

We will lose something very important in this country if we decide that family farmers don't matter. A North Dakota author named Critchfield wrote a good number of books. He was a world-renowned author who came from Hunter, North Dakota, a tiny town near Fargo. He wrote a book called ''In Those Days.'' It is the finest book I have ever read about small-town life and the rural lifestyle—a wonderful book. He wrote his next book about the rural lifestyle in a different way, and he said something I never really thought much about before. He talked about the nurturing of values, family values, the nurturing of shared responsibility, and caring. This country really always had its roots in rural America; it would roll from the farm to the small town to the big city as America grew. We have lost farmers who have moved to small towns and who have moved to big cities. We have had a refurbishment of the value system of our country coming from its seedbed in rural America. I wonder what would happen at some point if we decide that that seedbed of family values in rural America really doesn't matter, that America can as easily be farmed by large corporate enterprises with no lights and no homes and no stopping in small towns.

Well, this discussion today is about steel and oil, but especially about

steel. I am talking about agriculture because I want to talk about the common thread that exists on these issues. I just heard my colleague from Arizona speak, and he is a close friend and someone whose views I admire. We have disagreed from time to time. On this issue of trade, we find ourselves in somewhat different camps, I think, because we probably see it a bit differently. I don't, for a moment, dispute that it is a global economy. The times are changed. But I also believe that this country has every right, on behalf of its producers, to decide it will fight for values such as fair wages and safe workplaces and a good environment—to fight for those things that we have fought for in this country for over 75 years. We have a right also to fight for that in our international trade agreements. We regrettably do not do that.

Our country, interestingly enough, has a leadership position on trade matters. We go out and negotiate a lot of trade agreements. Did you know that we almost never enforce an agreement? My biggest complaint with our trade officials is that they negotiate bad agreements. If that weren't bad enough, they fail to enforce even the bad agreements. Go down to the Department of commerce, where they are required to enforce trade agreements, and ask yourself how many people in this Government, in the Department of Commerce, are around with the responsibility of enforcing our trade agreements with China. Does anybody know? Or Japan? Anybody know? I will tell you the answer. Six or seven people are tasked at the China desk with enforcing our trade agreements with China. It is the same with Japan. We have a nearly $60 billion trade deficit with China, and about the same with Japan, but slightly less. We have a handful of people whose job it is to enforce our trade agreements. Why? Because our mindset has always been to go negotiate new agreements because we want to trumpet the success in negotiating a new agreement, but we don't want to mess around with enforcing the old ones. That results is a lot of folks who are angry, because the last trade agreement that was negotiated was not a very good one and, in any event, it wasn't enforced.

So we ended up with a trade agreement called NAFTA, the North American Fair Trade Agreement, with Canada. A miserable agreement. It turned a trade surplus that we had with Mexico into a big trade deficit. It doubled the trade deficit we had with Canada. I know it will tire anybody who has heard me say it, but not long after the trade agreement with Canada, we had a flood of Canadian grain coming across our border and undermining the market for our family farmers. Our State university said it cost our farmers in North Dakota over $200 million in lost income.

I drove up to the border with a fellow named Earl in an orange truck that was about 10 years old. In this 10-year-old orange two-ton truck we took a couple hundred bushels of durum wheat. We saw 18-wheel trucks coming in our direction that were full of Canadian grain coming south. On a windy day, the grain trucks drop a lot of grain on the road. Our windows were getting hit all along the way by Canadian grain dropping off the huge semi trucks coming south. After seeing dozens of them, we pulled up to the Canadian border with Earl and his orange truck and a couple hundred bushels of durum wheat, saying we want to take this North Dakota durum into Canada, knowing that millions of Canadian bushels are flooding into our country. Earl Jensen and I didn't get across the border with that durum wheat because you could not get it into Canada. Our border was open to the Canadian grain producers, flooding our country and undercutting our markets, but their border wasn't open to us. Another fellow who was with us brought along some beer. That is, after all, liquid barley. Beer comes from, in most cases, barley, and you liquefy barley. He was going to take barley, in liquid form, into Canada. No, you can't do that. How about a used clothes washer? Can't do that. The list goes on.

I sat up at that border understanding firsthand why our farmers have a right to be so angry. Who on earth would negotiate a trade agreement with Canada that says let's have a one-way circumstance across the board? You can bring all your products south and flood us with your grain, but, by the way, when your little orange truck comes north with Earl and Byron, we are not going to let you through. That is not fair competition. That is not the trade relationship we expect that would result in fair competition. So my experience is that we have a right, it seems to me, in our country, to be mighty upset about the current circumstances that exist for family farmers and unfair trade agreements or in trade agreements that even if they were fair are not enforced. We have a right to be upset with respect to the circumstances with steel. My colleague who spoke previously said undoubtedly there may be dumping of steel. I will bet there is. I guarantee you there is dumping of grain in this country.

I asked the GAO to get the data from Winnipeg and Montreal. Those folks thumbed their nose and said: Do you think you are going to get that out of us? Not in a million years. We don't intend to give you one figure with respect to the sales we are doing secretly in this country. That's the Canadian Wheat Board. That would be illegal in this country, selling at secret prices in this country. They said to GAO that there is not a chance, you are not going to get numbers out of us.

Is there a reason for people to be angry and sore about this? Of course. Do American producers have a right to ask the question of whether this country will stand up for fair trade? I am absolutely full up to my neck with folks who say that anybody who speaks the way I just spoke is a protectionist. I want to plead guilty to saying that I want to protect our economic interests and demand fair competition. If that is what being a protectionist means, I will plead guilty. In fact, I demand credit. I want to protect this country's economic interests. I also believe in expanded trade and trade relationships that are growing and are healthy. I believe in and demand and expect fair trade relationships. I expect our trade negotiators not to go out and lose in the first 24 hours of every single negotiation.

The Senator from Texas is on the floor. There is a lot of beef in Texas. We had a big beef agreement with Japan 20 years ago. You would have thought we had won the Olympics when we announced we had this beef agreement with Japan. Everybody celebrated. Guess what? We are getting more beef into Japan. More American beef is going into Japan. But there is now a 50-percent tariff on American beef going to Japan. They negotiated a 50-percent tariff. That will be ratcheted down over time, but it snaps back with increased quantity.

Would anyone here ever expect we would have a 45-percent tariff on a product and not be ridiculed in the world community by it? That is exactly what we negotiated with Japan. It was declared a success. Our trade negotiators thought it was just great.

We have such lowered, dimmed expectations of our trading partners that we don't even try. Part of that is because for the first 25 years after the Second World War almost all of our trade relationships were about foreign policy. We could beat anybody with one hand tied behind our back. It was easy. We negotiated trade relationships that were almost exclusively foreign policy initiatives. But in the second 25 years, it was different. For that reason, as better competitors developed—Japan, Europe, China, and others—our trade negotiators didn't change much. Most of our trade negotiating is still disguised as foreign policy, regrettably. It is not fair to our producers.

That is why the initiative was brought to the floor today with respect to steel. We don't produce steel in North Dakota, but I am well aware of unfair trade. I am well aware of the inability to provide remedies and to seek remedies for unfair trade. Certainly our producers understand that every day in every way they have to face unfair competition, and no one seems willing or able to do anything about it.

That is the frustration. It is a frustration, in my judgment, that produces the kind of proposition that is brought here to the floor of the Senate today. Is it a reasonable, modest proposition? Yes. Is it a proposition that jumps over the ditch here on this? No. Of course, it is not. It is not that at all. It is modest, in my judgment, reasonably thoughtful, and is something Congress should pass.

The reason I took the time to come to the floor is to say this: Following this legislation, we will come in next week to the floor of the Senate once again on the subject of family farmers. Family farmers are now in a circumstance where they are facing Depression-era prices and are going out of business in record numbers.

It is almost impossible to go to a meeting in farm country and listen to those farmers, who have invested their lives and their dreams and their hearts in that land, who stand up and pour out their souls and then begin to get tears in their eyes when they talk about being forced off the land they love.

I told my colleagues recently of the woman who called me and said her auction to sell her family farm produced on that day a circumstance where her 17-year-old refused to get out of bed—refused to come down and help her with the auction sale. She said it wasn't because he is a bad kid, or it wasn't because he was lazy; it was because he was so heartbroken that he wasn't going to be able to farm that he just could not bear to be present at the auction sale of their farm. His dad had recently died. They were forced to sell, and he simply couldn't bear to watch the sale of that family farm.

A 6-foot-4-inch fellow stood up at a meeting. He had a beard. He was a big, burly guy. He said his granddad farmed. He farmed. He said his dad farmed. It was in their blood. Then his chin began to quiver, and his eyes began to water. But he said: I am going to have to sell out. He would like to continue, and he couldn't. And he couldn't continue to speak, because this is more than just a job. It is a lot more than just the term ''agriculture.''

Again, I come to the floor to talk about family farming, because this question today relates to what we are going to talk about—agriculture, and fundamentally unfair trade policies that undermine our family farmers for which there is no remedy.

You go to the trade ambassador's office to seek a remedy. You go to the Commerce Department to seek a remedy. I guarantee you, industry after industry, you can prove the dumping, and you will not get relief. You will not get a remedy. That is, in my judgment, the weakness and the shortcoming of our trade laws.

Let me end by saying again that we must find a foreign home for almost half of what we produce in a State like North Dakota. I am not someone who wants to shut borders or restrict trade, but I darned well insist on behalf of the producers that I represent, just as the Senator from West Virginia and the Senator from New Mexico insisted today, I insist that this country stand up for the economic interests of its producers, at least demanding fairness and competition in international affairs. As we deal with a global economy, we ought to be able to provide that kind of fairness for American producers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, you are going to hear an announcement in a moment from the two authors of the bill that is pending that we have worked out an agreement on the four amendments that were discussed earlier. I will leave it to them to talk about it.

It appears we would have this vote on an extraneous matter, and then either accept the vote on the four previous matters discussed or have a rollcall vote. But before we get into all of that, I wanted to say that I am supportive of the amendment offered by the Senator from Arizona.

One of the problems we increasingly have in the Senate is that it is so hard to pass an authorization bill that we are reaching the point where almost every legislative action originates in one of two committees—the Finance Committee, which engages in direct spending through entitlements, and the Appropriations Committee, which appropriates money.

We have before us a bill that really should be under the jurisdiction of the Banking Committee. We are for all practical purposes appropriating without authorizing, or, one could say, authorizing within the Appropriations Committee. As I said to Senator STEVENS, maybe I ought to start reporting appropriations bills to the Banking Committee and try to bring them to the floor of the Senate.

But Senator MCCAIN's amendment really brings home a very important point; that is, we have committees that have jurisdiction in these areas. We undercut the Senate when we don't recognize it.

A policy, I think, that is ultimately quite independent of the issue we are talking about today but relevant to this amendment is that the sooner we can get back to having authorizing committees authorize and having appropriations committees appropriate the better off we will be.

I am in support of this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am not sure of the procedure. But I would like to offer an amendment at this time.

I ask unanimous consent to lay aside the pending McCain amendment.

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

AMENDMENT NO. 686

(Purpose: To amend the pending committee amendment to H.R. 1664)

Mr. MURKOWSKI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 686.

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

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

The amendment is as follows:

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

''SEC. . GLACIER BAY STUDY.—The Secretary of the Interior shall, in cooperation with the Governor of Alaska, conduct a study to identify environmental impacts, if any, of subsistence fishing and gathering and of commercial fishing in the marine waters of Glacier Bay National Park, and shall provide a report to Congress on the results of such study no later than 18 months after the date of enactment of this section. During the pendency of the study, and in the absence of a positive finding that a resource emergency exists which requires the immediate closure of fishing or gathering, no funds shall be expended by the Secretary to implement closures or other restrictions of subsistence fishing, subsistence gathering, or commercial fishing in the non-wilderness waters of Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277).''

Mr. MURKOWSKI. Mr. President, less than 3 months ago this body adopted my amendment allowing commercial fishing and subsistence gathering, which consists primarily of gathering sea gull eggs in Glacier Bay. That issue came before this body, and passed 59 to 40.

It went to conference, along with the issue of the steel and oil and gas guarantees that are under discussion before this body.

I am here on behalf of the little people. I can't stand here and compete on the broad issues of steel dumping or the impact the decline of the price of oil has had on our stripper wells; or the economies of those areas dependent on steel, West Virginia and New Mexico; or oil and gas, as in Oklahoma. I stand here on behalf of a few of the native people of my State, the Huna Tlingit Indians, who have lived for centuries with access to an area known as Glacier Bay, which is one of our premier national parks.

Clearly, this issue is not in proportion with the importance of steel dumping, or the decline in the price of oil. I come before this body representing this small group of indigenous American Alaskan Indians who have been dependent on a subsistence lifestyle for thousands of years.

Glacier Bay is a large area in the northern end of the archipelago of southeastern Alaska. It is a magnificent area. Visitors in the summertime arrive on cruise ships. It is a great way for a visitor to enjoy this magnificent, scenic site. However, it is a very short season, roughly Memorial Day to Labor Day.

The rest of the time, the area has been utilized by very small, individual fishing vessels that are bound by the resource management of the Alaska Department of Fish and Game.

In conference, there was a concern expressed by various House Members as to whether the fisheries resource in

Glacier Bay could be maintained and the impact commercial fishing would have on that resource. As a consequence, I have changed my amendment. My previous amendment simply allowed commercial fishing and subsistence gathering to remain in Glacier Bay until the court determined whether the State had the right to manage these waters within the State of Alaska.

I have now changed the amendment to propose a moratorium for 18 months. During that time, there would be a joint study between the State Department of Fish and Game and the Park Service to study the impact of this small amount of commercial fishing and subsistence gathering on Glacier Bay, and to make a determination whether there was any detrimental effect. If there was, obviously, it would cease.

It is interesting to note that the matter before the Senate is associated with a matter of substantial cost, because we are talking about dumping steel, we are talking about addressing relief, we are talking about oil and gas, we are talking about some type of relief for the stripper wells. It is my understanding that steel, oil, and gas amendments might amount to as much as $300 million.

I point out to my colleagues, there is zero cost associated with my amendment—no cost whatever. There is justice to residents of these communities of Alaska.

Let me describe the communities. Gustavus has 346 residents and is adjacent to Glacier Bay; 55 of those residents are actively engaged in fishing. Elfin Cove, outside the bay, has 54 people; 47 are engaged in fishing. Huna, which is a Tlingit Indian village directly across from Glacier Bay, has 900 people; 228 are in the fisheries. Pelican City has 187 residents; there are 86 in the fisheries.

These communities have no alternative. They can't go anyplace else. What is the justification for the attitude of the Park Service? There has not been one public hearing held—not one. They did not advertise for witnesses to determine the impact. They simply made an administrative decision and said we are closing it.

Let me show another chart demonstrating where commercial fishing is allowed by statutory law in National Parks: Assateague, in Virginia; Biscayne, in Florida; Buck Reef, in the Virgin Islands; Canaveral National Seashore, in Florida; Cape Hatteras, in North Carolina; Cape Krusenstern, in Alaska; Channel Islands, CA; Fire Island, NY; Gulf Islands, MS; Isle Royale, in Michigan; Jean Lafitte National Park, LA, to name several. But they have made a decision to close the fishing in my State of Alaska.

It is interesting, further, to note some of the other activities they allow in the park, because it reflects the attitude of the Park Service and the manner in which they initiate an action.

The Park Service saw fit some 3 months ago to initiate what was basically a raid on commercial fishing in Glacier Bay. They used Park Service personnel, they boarded the boats that were fishing there, they had sidearms, and they simply said they were going to close this area. The area was not, in fact, closed. Those fishermen had a right to be there at that time. That was a pretty heavy tactic to use, but they saw fit to use it.

Our Governor indicated his wish, as did our State and our legislature, that commercial fishing be allowed to continue in Glacier Bay.

To add insult to injury, the people of Glacier Bay have been dependent on the gathering of sea gull eggs since time immemorial. One wonders why they would need sea gull eggs. Frankly, it is very difficult to raise chickens in Alaska. There is a lot of rain. This is a typical village in Glacier Bay. This is an 1889 photo. That village is no longer there, but this is the kind of village they used to have. You see there, they are drying the fish and so forth. The Huna villages today are not like that by any means—but the point is these people still live in a subsistence lifestyle.

What I want to say here is just the other day the Park Service decided to prohibit, if you will, what it had ignored previously and that was the gathering of sea gull eggs for harvest in Glacier Bay. They apprehended a Huna native for gathering sea gull eggs. I do not know how long they kept the sea gull eggs, but a couple of days later they gave them back to the Huna Indian Association. What is the consistency of this? I do not know that there is any, and it points out the Park Service is aggressively hostile to something that other agencies have seen fit to recognize as unique to the character of the subsistence lifestyle of the native people of Alaska.

It should be remembered that Canada and the United States reached an agreement several years ago allowing native people to take birds and eggs during the spring. That agreement was recognized by an amendment to the Migratory Bird Treaty. It has been nearly 2 years since the Senate approved the amendment to the treaty. What this amendment did was recognize the need of the native people to take birds and eggs in the spring, because in the fall those birds are gone. The reason is very simple; cold weather has come and the birds have left.

The State Department has not yet exchanged the instrument of ratification with Canada. This is the final formal exchange of documents necessary to put the new treaty into effect. Canada is eager to complete the process because the new treaty language is needed to comply with changes in its Constitution. I'm told the delay is due to the bureaucratic failure of the Department of the Interior to implement new regulations. Some of the State Department officials think that is needed before final documents are exchanged. I, personally, see no reason for the delay.

The point I want to make is an obvious one. The U.S. Fish and Wildlife Service has recognized the necessity of the native people of Alaska, being dependent on subsistence, to take birds and eggs in spring, including sea gull eggs. But the Park Service—another branch of the Federal Government—has chosen to enforce a prohibition against taking sea gull eggs. What is the justification for that? I do not know, unless it is a very aggressive Park Service. But, clearly, if the U.S. Fish and Wildlife Service sees fit to allow a modest taking of eggs and migratory birds for subsistence purposes, you would think the U.S. Park Service would recognize and honor and appreciate the tradition of the Native Alaskans and allow this to take place. Still, that is not the case.

I ask unanimous consent to have printed in the RECORD a press clipping from the Juneau Empire covering the story on the apprehension of the individual who was accosted by the Park Service for gathering, for subsistence purposes, sea gull eggs.

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

GULL EGGS CONFISCATED

JUNEAU—National Park Service officials seized several dozen gull eggs from a Hoonah man in Glacier Bay National Park over the weekend.

Dan Neal, 46, his son and a family of five visiting from Illinois came ashore Saturday on Marble Island. They landed near two U.S. Geological Survey biologists doing research on a glaucous-winged gull colony.

The biologists informed Neal and his companions they couldn't legally collect eggs there, and the group left, Glacier Bay Chief Ranger Randy King said.

Park Service employees later stopped the boat, and Neal reluctantly surrendered the eggs, King said.

Gathering gull eggs is prohibited by international treaty and federal regulations throughout Alaska. However, the harvest of gull eggs is an important cultural tradition for Hoonah Tlingits.

The Park Service and the Hoonah Indian Association are exploring ways the tradition might continue.

''Our cultural and traditional uses in our ancestral homeland are deeply woven into our very being,'' said Ken Grant, the association's president, who urged tribal members to refrain from collecting eggs until the Park Service finishes its studies.

Mr. MURKOWSKI. In my amendment I propose this joint study take place, and it is quite legitimate to ask, Where is the money going to come from? For some time now the Park Service has been generating revenue from cruise ship receipts from a recreation fee demonstration program. They have approximately $2.8 million, of which $435,000 is unencumbered at this time. It is my suggestion this be used for the Park Service's joint evaluation, along with the State of Alaska, to study the renewability of the fisheries resources in Glacier Bay.

Somebody might ask, Why should a Glacier Bay moratorium be attached to

this bill—an appropriations bill? I hope the appropriators recognize this is a legitimate appropriations amendment. It is setting parameters for the expenditure of funds being appropriated. Further, the moratorium is a time-honored and time-tested device. This moratorium simply amends last year's appropriation bill which terminated the fishing in Glacier Bay. If fisheries can be closed on an appropriations bill and the field of participants can be narrowed in an appropriations bill, then it is not out of place to use the same process for a follow-up measure, and that is what we have done. This is a legitimate appropriation amendment setting parameters for the expenditure of funds being appropriated.

This belongs in this package because it went over to the House and Senate conferees as part of the supplemental package, along with steel and oil. It was a part of those issues that were considered.

But as we look at the issue of equity here, there is no question this amendment is an amendment substantially different from the previous amendment inasmuch as it gives a moratorium of 18 months in which to evaluate, in a joint study, the renewability of the fisheries resource. As evidenced by the concern of the conferees in the House, Senator STEVENS and I—I was given the opportunity in that conference to make a personal presentation. But that was a different amendment. That was simply to allow fishing to continue until such time as the court determined who had jurisdiction. This amendment sets to rest the concerns relative to the renewability of that resource by authorizing this joint study.

It also recognizes, in a sense, there is no real trustworthy information on the impact of fishing or subsistence use in Glacier Bay on the ecosystem. Opponents have argued from time to time there may be some consequences, but they have offered no real proof. On the other side, it is impossible to prove the negative that fishing has no lasting impact.

Before fishermen are permanently removed or restricted, which will have irreversible consequences for the fishermen, the processing companies and the communities affected, I think it is appropriate to actually test the hypothesis that fishing is detrimental in some way. That is why we have altered our amendment to require this 18-month study.

My worst fear, as I have indicated, about the Park Service harassment of the Alaska Native people, was realized this last week when they seized several dozen sea gull eggs from a Native resident of Hoonah, one particular resident. This was unwarranted harassment by the Park Service. I think it represents an insensitive, arrogant attitude and is reminiscent of the Indian policies of the 1800s, where we were simply driving individuals off the land they had traditionally had access to. Only passage of my amendment will end this harassment.

Again, this is only a few hundred people, but they have no other appeal. They do not want to live off welfare. They have no other place to go. There is no reason why they should be excluded from fishing in this area, as we recognize the Park Service allows fishing in the 16 other national parks. I have had letters from local residents repeatedly assuring me that previously they had been under the assumption the Park Service had no intention to eliminate the traditional use, including fish and subsistence gathering.

Why do they enforce such an action in Glacier Bay and not enforce it in the 16 other areas where they allow it by statute? This fishery consists of a small number of small vessels. They do a little salmon, crab, halibut, bottom fishing. It is important to the people, as I have indicated, of Elfin Cove, 34 people, Hoonah, 228 people, who fish.

There have been provisions that Senator STEVENS has been able to prevail on, allowing Federal funding for fishermen as a consequence of them losing the right to fish. The letters I have ask me why the Park Service is mandating they can no longer fish. Why isn't the Government more sensitive to their particular needs? Why is the Government singling them out when they have no place else to go? These are hard questions to answer.

This is a situation of justice. These little people are crying out, and they are crying out in the only voice they have, and that is the voice of the Congress of the United States.

That is basically where we are. It is my understanding there may be an effort to table this legislation. I personally cannot understand why the amendment would not be accepted and sent over with the rest of the package. Again, I appeal to fairness and equity and recognize, unlike the steel issue and the oil issue, this has absolutely no cost. This is simply an 18-month study on the merits of the resource—that is simply all it is—so these people can continue their rightful pursuit of their traditional use of fish and game.

Mr. GRAMM. Will the Senator yield?

Mr. MURKOWSKI. I will be happy to yield to my friend from Texas.

Mr. GRAMM. I know the Senator from Arizona wants to vote on his amendment, but I want to ask you a question, having sat here and listened. You are talking about Glacier Bay, and you showed a map of it. This is a far off place where, except for a very short period of the year, it is cold and frozen; right?

Mr. MURKOWSKI. That is pretty much the case; that is correct.

Mr. GRAMM. You have Native Americans who live by fishing and gathering and eating sea gull eggs; right?

Mr. MURKOWSKI. They have traditionally gathered sea gull eggs in the spring of the year. They depend on fishing throughout the year.

Mr. GRAMM. You have bureaucrats in Washington who may have never been to Glacier Bay suggesting that maybe, instead of eating sea gull eggs, they might raise chickens?

Mr. MURKOWSKI. It is pretty hard to do in that climate, but I am no expert on chickens.

Mr. GRAMM. They have never tried going to Glacier Bay and raising chickens, have they?

Mr. MURKOWSKI. I do not think they want to do that, with 200 inches of rain.

Mr. GRAMM. To make a long story short, what you are really saying is you have Native Americans who are trying to eke out a living by fishing and by eating sea gull eggs, and you have bureaucrats in Washington who may have never been there, certainly would never go live there, who are saying that somehow they have the right to force them to change their way of life, with the idea that somehow it is more their business what happens in Glacier Bay than it is the business of people who live there; right?

Mr. MURKOWSKI. That is pretty much the case. They say fishing is a commercial activity, but if you look at this tour boat entering into the bay with 1,200 passengers, that obviously is a pretty significant commercial activity.

There was a cruise vessel that had an accident in Glacier Bay the other day. It hit a rock. As far as I know, it is still on the rock. It leaked a little fuel—a few gallons. They are working on it. They are going to get it off. There is not going to be damage to the ecology or the environment. Nevertheless, that is a commercial activity.

Mr. GRAMM. I intend to vote with the Senator. I hope everybody will. Your amendment really makes the point that there is no end to the arrogance of people in Washington who are trying to tell people in a completely different part of the country, which they know nothing about, how to live their lives and claiming that somehow this bay belongs more to them than it does to people who have lived there for a thousand years. Not only are you representing your constituency, but you are speaking out on behalf of a concern, not in as clear a way, not in as glaring a way, but that many people in other parts of the country share. The last time I looked, there was no shortage of sea gulls on the planet.

Mr. MURKOWSKI. I have observed that as well. I thank my friend from Texas.

Mr. GRAMM. I thank the Senator.

Mr. MURKOWSKI. Mr. President, I will make one more point—I am sure there are others who want to be heard—relative to an inconsistency. That is, again, the U.S. Fish and Wildlife Service allows migratory bird taking in Alaska in the spring, and they have seen fit to do that, recognizing the subsistence needs of those native people, and egg gathering as well. But the U.S. Park Service, just within the last 2 weeks, has indicated they will not allow sea gull egg gathering in the park. We have two different agencies

with two different jurisdictions, I grant you that. But it is definitely an inconsistency.

Again, for those who are wondering what this issue is doing in the middle of steel and oil, I simply appeal to the floor managers to recognize the action that was taken when it was sent over to the House. Unlike steel and unlike oil, which did not have a vote on this floor, this issue had a vote. We had a good vote. As a consequence of that, it belongs in the package that is going back. Some may argue the intricacies of procedure, but a deal is a deal, and I made a commitment to my colleagues that I would bring this up again, and I intend to bring it up again and again because there is an injustice here.

If we are able to prevail on a tabling motion, why, then we run the risk of what may happen to it in the House. I urge the floor managers to take this amendment.

It is my intention to ask for the yeas and nays. I do not know what the procedure is, but it may be that the leaders want to delay voting on this matter until such time as they determine it is appropriate. I appeal to my colleagues to take the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At the moment, there is not.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, in light of the fact the Senator from New Mexico wants to speak on this amendment, I ask for the regular order.

With all due respect to my friends, we were going to vote 45 minutes ago.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I ask for the regular order.

Mr. STEVENS. Will the Senator yield?

AMENDMENT NO. 685

The PRESIDING OFFICER. The regular order is the McCain amendment No. 685.

Mr. STEVENS. Mr. President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 685. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania, Mr. SANTORUM, is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut, Mr. DODD, is necessarily absent.

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—64

| | | |
|---|---|---|
| Akaka | Bayh | Biden |
| Baucus | Bennett | Bingaman |
| Bond | Hatch | Mikulski |
| Boxer | Helms | Moynihan |
| Breaux | Hollings | Murray |
| Bryan | Hutchison | Reed |
| Byrd | Inhofe | Reid |
| Campbell | Inouye | Robb |
| Cleland | Jeffords | Roberts |
| Cochran | Johnson | Rockefeller |
| Conrad | Kennedy | Sarbanes |
| Daschle | Kerrey | Schumer |
| DeWine | Kerry | Sessions |
| Domenici | Kohl | Shelby |
| Dorgan | Landrieu | Specter |
| Durbin | Lautenberg | Stevens |
| Edwards | Leahy | Thurmond |
| Feingold | Levin | Torricelli |
| Feinstein | Lieberman | Wellstone |
| Gorton | Lincoln | Wyden |
| Graham | Lugar | |
| Harkin | McConnell | |

NAYS—34

| | | |
|---|---|---|
| Abraham | Fitzgerald | Murkowski |
| Allard | Frist | Nickles |
| Ashcroft | Gramm | Roth |
| Brownback | Grams | Smith (NH) |
| Bunning | Grassley | Smith (OR) |
| Burns | Gregg | Snowe |
| Chafee | Hagel | Thomas |
| Collins | Hutchinson | Thompson |
| Coverdell | Kyl | Voinovich |
| Craig | Lott | Warner |
| Crapo | Mack | |
| Enzi | McCain | |

NOT VOTING—2

| | |
|---|---|
| Dodd | Santorum |

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alaska is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized in order to offer a unanimous consent agreement regarding amendments; that following that I be recognized in order to make a short statement and move to table the Murkowski amendment No. 686, with no amendments in order to the amendments prior to the vote on that motion to table. I also ask unanimous consent that following the vote on the motion to table, if that amendment is tabled, the bill be read for the third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate, at 9:30 a.m. on Friday, June 18, and that paragraph 4 of rule XVIII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, point of inquiry. I don't mean to object. When does the Senator intend to have a vote on the tabling motion?

Mr. STEVENS. Immediately after I make that motion.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for another 5 minutes on the amendment, which is the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do object. Would the Senator at least let me be able to get the other amendments out of the way first?

Mr. MURKOWSKI. I have no objection, even though my amendment is the pending business—reserving my right to have 5 minutes on my pending amendment.

Mr. STEVENS. I have no objection. I amend my request to ask that prior to the motion to table and my comments, my colleague be recognized for 5 minutes. Let's get the agreement.

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

Mr. STEVENS. The total sequence is now agreed to, Mr. President?

The PRESIDING OFFICER. Correct.

AMENDMENT NO. 687

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. DOMENICI, Mr. BYRD, Mr. GRAMM, and Mr. NICKLES, proposes an amendment numbered 687.

The amendment is as follows:

On page 7, beginning on line 3, strike all through line 7.

On page 10, beginning on line 23, strike all through page 11, line 2.

On page 34, beginning on line 14, strike all through 16.

On page 9, after line 17, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 36, after line 23, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 48, beginning on line 9, strike all through line 17.

On page 6, line 7, strike all through line 13, and insert the following:

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—

(1) IN GENERAL.—There is established a Loan Guarantee Board, which shall be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board: and

(C) the Chairman of the Securities and Exchange Commission.

On page 33, line 17, strike all through line 23, and insert the following:

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(a) the Secretary of Commerce

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 32, strike lines 10 and 11, and redesignate the remaining subparagraphs and cross references thereto accordingly.

Mr. DOMENICI. Mr. President, could we have a minute or two to explain that amendment?

Mr. STEVENS. I withdraw the request.

I ask unanimous consent that Senator DOMENICI, Senator GRAMM, and Senator NICKLES be permitted 5 minutes each to explain the amendment.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, in the interest of time, I will explain only one amendment, and I will let my colleagues pick up the others. If they want to repeat what I have said, fine.

Essentially, many Senators on this side have complained that this was an emergency measure, and that one way of looking at an emergency measure was that this bill might use some of the Social Security surplus. The emergency clause has been stricken. It is not in there anymore. As a consequence, this money is spent out of the regular allocation: Truth in budgeting, as you call it. It does not come out of the trust fund because it is paid for like any other program.

If you are wondering how much for this year's appropriation, it is $19 million. So we have to find $19 million within the $1.8 billion budget of the United States. So we don't have to take any money out of Social Security. That is the only point I want to make.

We fixed three other things other Senators were concerned about. I will let Senator NICKLES or Senator GRAMM explain those. I don't need the remainder of my time. Whatever I have left, I yield back.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my colleagues and, in particular, Senator BYRD, Senator DOMENICI, and Senator STEVENS, for working with Senator GRAMM, myself, and others to try to make this a better bill. Senator DOMENICI mentioned one, we strike the emergency provision. That basically means there is $270 million estimated cost by CBO of this bill, and it was declared emergency. We are striking that. That means we won't be raising the caps. I think that is important; I don't think we should be calling everything an emergency, as I stated, and busting the budget. I appreciate the cooperation in striking that section.

We did a couple of other things. The bill originally said that the loan guarantees would be made up to 100 percent. We limited that now to a maximum loan guarantee of 85 percent. The lending organization, or bank, is going to have to put up 15 percent, with some risk. It may be 25 or 30 percent, but they will have to put up at least 15 percent. I think that is a good amendment.

We changed the composition of the board. Originally, the lending board was comprised of the Labor Secretary, the Treasury Secretary, and the Commerce Secretary.

We changed that. We said, well, we will keep the Secretary of Commerce on, but we will change it and add the Chairman of the Federal Reserve Board and the head of the SEC—I think, again, trying to take politics out of it, trying to put people on the board that are more interested in economics and making good financial decisions, and not have it be so political.

We also have another amendment that would strike out the lower loan limits. The bill originally said in steel the loan range would be from $25 million to $250 million. We dropped the $25 million lower limit. In other words, now a steel company can get a $5 million loan, or a $10 million loan, or a $1 million loan; it won't have to be at least $25 million.

We did the same thing for ore, which had a $6 million minimum loan level. Now that can be smaller. For oil and gas, I believe, there was a $250,000 minimum. We struck that minimum as well.

I think the combination of amendments we have had make this a better bill. I appreciate the fact that leaders who are promoting this bill have agreed to these amendments. I think it improves it. I am still going to vote no on final passage. I really do not think the Federal Government should be in the loan guarantee business for steel, or for oil and gas, and for the iron ore companies. But I do appreciate their consideration of these amendments.

I urge my colleagues to support them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I have a question for the Senator from Oklahoma about his amendment. I am wondering if there is anything in his amendment that would correct one problem I see in the bill, which is that it occurs to me, if that a steel company, for example, has an existing loan with some private bank—once this program goes into effect and that loan is in bad shape, the bank can encourage that steel company to apply for a new loan under this program and get that Federal guarantee, and thereby you are transferring that risk, or at least 85 percent of it, from that bank that otherwise would take the hit to the taxpayers.

Is there anything in the amendment that the Senator knows of, or anything in the original bill, that would prevent that kind of shenanigan?

Mr. NICKLES. To respond to the question of my friend and colleague—I think it is an excellent question—we didn't fix that problem. The Senator is exactly right. This bill still leaves it open where you can have a bad loan, or basically you are going to have that refinanced with the Government guaranteed loan; i.e., a steel company would have a $100 million loan. Maybe they are paying a high interest rate—maybe 12 percent. Maybe that loan is in jeopardy. Maybe they are having a hard time making payments on it.

We haven't fixed that yet. That is an amendment some of us have been talking about. It wasn't in this package we just agreed to.

Mr. FITZGERALD. What about if there is a loan out there to one of the small oil and gas companies, and the president and owner of the company have personally guaranteed the loan? Would they be in a position now, with this new loan program, to apply for a new loan under this type of guarantee program, get that new loan issued, and replace their personal guarantees with the Government guarantees so the owners and major shareholders, who could be very wealthy individuals, would be taken off the hook by the taxpayers?

Mr. NICKLES. I think, again, my colleague from Illinois is pointing out a shortcoming that is in the bill. It has not been fixed by the amendments that were offered. Quite possibly, maybe the Senator from Illinois will have an amendment, and maybe the principals that are engaged in this might support it.

I will be happy to work with the Senator to see if we can't correct that problem. But we haven't stopped anybody from refinancing a bad loan, or maybe a self-interest loan, as the Senator discussed. I personally think those mistakes should be corrected. We have taken four good steps to make it better. But we need some additional amendments to solve that problem.

The PRESIDING OFFICER. Under the agreement, the amendment is agreed to.

The amendment (No. 687) was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that the time for Senator GRAMM be reserved for a later time today. He is not here at this time.

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

Mr. STEVENS. Mr. President, if I may, I think I have some time on the bill to respond to the Senator from Illinois, to a certain extent.

With Alan Greenspan on the board managing this program—if I could have the attention of the Senator from Illinois—and the head of the SEC on the program making the regulations concerning these loans, the fact that the Senator has raised this issue on the floor I am sure will not miss their attention.

Mr. President, my colleague has 5 minutes. Then I am recognized after that. Is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Alaska is recognized.

AMENDMENT NO. 686

Mr. MURKOWSKI. Mr. President, it is my understanding that my amendment on Glacier Bay is the pending amendment before the body.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I thank the Chair.

I am disappointed to learn that my senior colleague intends to table the amendment. On the other hand, I know that he very much supports the continued fishing and subsistence harvest in

Glacier Bay. Nevertheless, we are faced with a situation here where the issue is kind of caught, if you will, between two major issues; namely, the guarantee on steel and the guarantee on oil. The reason it belongs here is because we voted on it in the supplemental in which we also had the steel and oil matters. We voted on it and passed it 59 to 40, and it went over to the conference. It was the same conference that addressed the Glacier Bay issue that addressed steel loan guarantees and the oil guarantee, which, I might mention, cost $270 million. My amendment costs absolutely zero.

I hope my colleagues will accept the amendment. But they may see fit not to. As a consequence, I believe we have an injustice occurring in Alaska for those few hundred Alaska Indian people who depend, and have for years and years, on subsistence access in Glacier Bay. The bureaucrats within the Park Service moved in and simply said: We are going to close it, and that is it.

We have been able, through the efforts of Senator STEVENS, to get remuneration for the potential loss of their rights. But the fact is, on this chart we have 16 national parks where commercial fishing is allowed.

I encourage my colleagues to reflect on the vote that prevailed, 59 to 40, to allow fishing in Glacier Bay. But this is a different amendment. I changed my amendment. Previously, we were going to wait until there was a determination by the State to decide who had jurisdiction. That was going to go to the courts. My current amendment is simply an 18-month moratorium to allow the State to work with the Park Service to evaluate whether or not the resource is in danger. The funding for that is available within the funds for the Park Service.

I ask unanimous consent that statements by Alaska's Lieutenant Governor Fran Ulmer, by Myron Naneng, a respected member of the Migratory Bird Treaty negotiating team, and by the Director of the Fish and Wildlife Service, Jamie Clark, be printed in the RECORD with regard to the specifics of allowing migratory bird hunting in the spring on Federal lands in Alaska, as well as egg gathering.

MIGRATORY BIRD TREATY

ENFORCEMENT INCONSISTENCY

Unlike recent Park Service actions, the Fish and Wildlife Service has had a longstanding policy that is sensitive to subsistence use of migratory waterfowl, and shows that the Fish and Wildlife Service understands its importance to rural Alaskans.

During a Sept. 25, 1997, Senate hearing on the Migratory Bird Treaty, Alaska's Lt. Governor, Fran Ulmer, noted: ''. . . much of the traditional harvest of migratory birds in rural Alaska has taken place, and continues to take place, during the closed-season portion of the year. In Alaska prohibitions on traditional hunting practices have been enforced on a very limited basis.''

Myron Naneng, representing the Alaska Native Migratory Bird Working Group, and one of the treaty negotiators, said: ''I want to begin by expressing our deepest appreciation for the leadership and commitment (former Fish and Wildlife Service chief) Mollie Beattie demonstrated as head of the U.S. negotiating team. She showed an uncommon understanding of the nutritional and cultural aspects of the Native subsistence way of life, and her actions showed her confidence in Native people as responsible caretakers and managers of their subsistence resources.''

The current Director of the Fish and Wildlife Service, Jamie Clark, had this to say: ''Native people have continued their traditional hunt of migratory birds in the spring and summer, and neither government has rigidly enforced the closed season given the realities of life in the arctic and subarctic regions.''

Elsewhere in her testimony to the Senate Foreign Relations Committee, Clark called the Fish and Wildlife Service's policy ''discretionary non-enforcement.'' It was—and is—the only way to make the best of a bad situation until the treaty amendments can be put into effect.

If the Fish and Wildlife Service has the good sense to use ''discretionary non-enforcement'' everywhere else, then that option certainly is open to the National Park Service.

Unfortunately, NPS has instead chosen to ignore both the needs of the local people and Congress' clear desire to allow reasonable spring harvesting.

Mr. MURKOWSKI. Mr. President, finally, I believe that as an authorizer I have been caught, if you will, in this continued dilemma of the appropriators.

I remind you that we have not had hearings on the issue of steel, nor hearings on the issue of oil, as far as this guarantee package is concerned.

It reminds me of an issue that occurred last year with respect to the appropriations process. The Clinton administration decided to acquire Headwaters in Northern California for $315 million and the New World Mine Site in Montana at a cost of $65 million. That is $380 million. It did not go through my committee of jurisdiction, the Energy and Natural Resources Committee. These decisions last year were made with no congressional involvement. The administration sought to bypass the authorizing committee entirely and have the appropriators essentially just write the check for the purpose. We are seeing more and more of this.

As an authorizer, I think we have a job to do, and we are either going to do our job or we might as well give it to the appropriators.

As chairman of the authorizing committee, I want the opportunity for the committee to carefully review the merits of this acquisition. Instead, $380 million went right out. As a consequence, we are seeing similar things today with regard to the merits of the loan guarantee on oil and steel.

Ultimately, my arguments failed last year. The authorizations and funding were included in the 1998 Interior appropriations bill, much to the administration's delight. There were never any hearings. There was never any open debate for any type of public review.

My little deal represents a few hundred Native people in Alaska, appealing, if you will, for 18 months to study the impact of their modest fishing and subsistence gathering, and they are depending upon the Senate in this regard because they have no other place to turn. Give them money if you want, but they don't want handouts. They are a proud people; they want the right to continue to do what they have done.

I encourage my colleagues to recognize what is happening here. I hope some day we go to a 2-year budget process.

I appreciate the consideration of all my colleagues.

Mr. STEVENS. Mr. President, I note the Senator from Texas has returned. I ask unanimous consent his time be restored.

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

Mr. GRAMM. We have a bill before the Senate. Perhaps some believe the Government ought to be lending money to American industry; I don't, so I am not for the bill.

We have put together an amendment which I believe improves the bill.

No. 1, we strike the emergency designation so none of the money will come out of the Social Security trust fund.

No. 2, we set up a board made up of the Secretary of Commerce, the Chairman of the Federal Reserve Bank, and the Chairman of the Securities and Exchange Commission. Alan Greenspan would be Chairman. It is a major move towards taking politics out of the determination of who gets the loan.

We require that the lender put up 15 percent of the capital, take 15 percent of the risk, so that the Government does not end up eating the entire loss if there is a loss. Obviously, if you are lending money, you are going to have to make up part of the loss; you will do a better job than if you are lending somebody else's money. We take the minimums out of the bill, so small business can compete for the money.

Finally, we have agreed on language that will put a focus on trying to make loans to maximize the chances that the loans will be paid back and, to the maximum extent possible, take politics out of the process.

This does not make it a good bill, in my mind. I am not for it, but I think it improves it.

I thank the two authors of the bill for working for people, who were not for their bill and were not going to vote for it, to try to make it better. I thank my colleague for giving me an opportunity.

Mr. BYRD. I ask unanimous consent I be allowed to speak.

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

Mr. BYRD. Mr. President, I was one of those who worked on the amendments. I thank those who participated. I thank Mr. DOMENICI. I thank Mr. GRAMM and Mr. NICKLES. We all met, and I agreed on the amendments. I think they were good proposals. I think overall they improved the bill.

I thank all Senators who were engaged in the efforts. I thank the chairman of the Appropriations Committee for his fine cooperation.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask that Senator FITZGERALD be added as a cosponsor to the amendment.

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

Mr. STEVENS. Mr. President, I take the Senate back to the time we were in conference. We were in conference a long time on the supplemental appropriations bill with concerns about Kosovo and other vital areas of our national defense policy.

In conference on that bill, we worked late into the night on a series of matters. We had a vote on the Byrd and Domenici amendments. As a matter of fact, the House voted to accept the Byrd version of that loan guarantee program and rejected the version from Senator DOMENICI.

The Senate had not voted at that time. I conferred with Senate conferees and we told the House we insisted on our amendments. The House came back and voted again. At that time, it rejected both amendments. We were stalemated.

We went into the night the next night and through the day. It was about 9:30, 10 o'clock and I asked Senator BYRD if he would consider a suggestion I had. We had a second supplemental in our committee, and we had not conferred on that. It was a bill that was passed by the House and is a viable bill to send back to the House as another supplemental appropriations bill. I asked Senator BYRD if he would consent to take his amendment off of the bill that was pending in conference. I assured him that when we reconvened after the recess I would move the committee to put the steel loan guarantee on that bill and report it to the Senate. I made the same request to Senator DOMENICI. Both of them agreed.

We then conferred with the leadership of both the House and Senate. At that time, it was clear that if this proposal of having these two loan guarantee programs on the supplemental and sending it back to the House had any other amendment it would not be sent to conference in the House.

I remember well Senator BYRD asked me at that time: What are you going to do if the bill gets to the floor and this amendment is offered that would not be germane to either of these two loan guarantee programs, which under the circumstance would lead to the bill not being sent to conference in the House, by the House?

I said: Senator, as chairman of the Appropriations Committee, I will personally move to table any amendment that is not germane to the bill if it is reported by our committee.

We are at this position now. We have adopted the germane amendments. I congratulate all concerned for working that out. I was constrained to move to table the amendment of the Senator from Arizona. I thank the Senate for tabling that amendment.

The last amendment is the amendment of my colleague that I cosponsored when the bill was before the Senate before. I say to the Senate, in all sincerity, the word of a Senator has to be kept, no matter what the price. I know I will read in my papers in Anchorage and throughout Alaska tomorrow about this, which will be deemed a feud between me and my colleague. It is not a feud. I have a responsibility to keep my word.

As chairman of the Appropriations Committee, I move to table the Murkowski amendment, and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 686.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania, Mr. SANTORUM and the Senator from Arizona, Mr. MCCAIN, are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—59

| | | |
|---|---|---|
| Abraham | Feingold | Mikulski |
| Baucus | Feinstein | Moynihan |
| Bayh | Gorton | Murray |
| Biden | Graham | Reed |
| Bingaman | Gregg | Reid |
| Boxer | Harkin | Robb |
| Breaux | Hollings | Roberts |
| Brownback | Inouye | Rockefeller |
| Bryan | Jeffords | Sarbanes |
| Byrd | Johnson | Schumer |
| Chafee | Kennedy | Sessions |
| Cleland | Kerrey | Shelby |
| Cochran | Kerry | Smith (OR) |
| Collins | Kohl | Snowe |
| Daschle | Lautenberg | Stevens |
| DeWine | Leahy | Torricelli |
| Domenici | Levin | Warner |
| Dorgan | Lieberman | Wellstone |
| Durbin | Lincoln | Wyden |
| Edwards | Lugar | |

NAYS—38

| | | |
|---|---|---|
| Akaka | Fitzgerald | Lott |
| Allard | Frist | Mack |
| Ashcroft | Gramm | McConnell |
| Bennett | Grams | Murkowski |
| Bond | Grassley | Nickles |
| Bunning | Hagel | Roth |
| Burns | Hatch | Smith (NH) |
| Campbell | Helms | Specter |
| Conrad | Hutchinson | Thomas |
| Coverdell | Hutchison | Thompson |
| Craig | Inhofe | Thurmond |
| Crapo | Kyl | Voinovich |
| Enzi | Landrieu | |

NOT VOTING—3

| | | |
|---|---|---|
| Dodd | McCain | Santorum |

The motion was agreed to.

Mr. BYRD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will make one clarifying statement relative to the vote that was taken and a reference made by my senior colleague to the germaneness of my amendment.

I would like the Record to note that the moratorium that I proposed simply amended last year's appropriations bill which terminated fishing in Glacier Bay. If the fisheries could be closed and the field of participants could be narrowed in an appropriation, then it was certainly not out of place to use the same process for the Glacier Bay amendment, which failed under the tabling motion. I think it was a legitimate appropriation amendment. It set parameters for the expenditure of funds to be appropriated. That is certainly a time-honored, time-tested device.

I recognize all my colleagues were interested in saving their own individual bills, those who are interested in steel, those who are interested in oil guarantees; and, obviously, I was interested in saving fishing in Glacier Bay for native people.

But, hopefully, there will be another day. I will continue to work to convince my colleagues of the merits of my position. I particularly want to thank and recognize the explanation offered by my senior colleague, Senator STEVENS, who had indicated to me sometime ago he would move to table any amendments on this pending matter. That was certainly addressed as well by Senator BYRD. I appreciate and respect their opinion.

We will still be fighting for the native people associated with fishing in Glacier Bay.

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

Mr. MURKOWSKI. I am happy to yield to my good friend.

Mr. BYRD. As the distinguished Senator from Alaska will recall, I voted with him previously. But as I explained earlier today, had we amended this bill with a nongermane amendment, it would have killed the iron and the oil and gas guarantee bill. It would have been dead. Because the Speaker made no commitment to help bring up a bill that would have other matters included in it. He only made his commitment with regard to the iron and oil and gas guarantee. So I thank the Senator.

I had to vote against the Senator from Alaska on this occasion because I wanted to save the bill before the Senate.

Mr. MURKOWSKI. I certainly accept my good friend's explanation. I hope I will have another opportunity to bring the issue up and garner his support on its merits.

I thank the Chair. I thank my colleagues.

Mr. BURNS. Mr. President, I rise today with mixed feelings. On one hand I desperately want to do everything possible to help out America's oil patch. My state has lost thousands of jobs over the last decade and our small independent oil and gas producers are being forced out of the business. Our oil towns are now ghost towns and oil development plans for Montana are far and few between. I would love nothing more than to find a way to help out this vital segment of Montana's economy.

Unfortunately, I do not believe that the piece of legislation is the best course of action. With all due respect to my colleague, Senator DOMENICI, I cannot support any legislation that dips us deeper into the Social Security fund. We have made a stand. We will not continue to dip into this fund and put a further cramp on a system already strained to its breaking point. One step here, another there, and the next thing you know the pledge is gone, and along with it a promise I have made to my fellow Montanans.

It is a hard, hard decision, but I know that Montanans will support me. I have already heard from many of them on this vote. I have called some of my independent producers and asked them if this is the course of action they need us to take right now. Some of them originally supported the program, but more often than not I heard an answer that made me even more proud to know these men and women. They told me that they don't want a handout, and this legislation doesn't address the heart of the problem. The problem in oil country is pretty simple. The federal government is running us off the land and ensuring we can't make a profit.

If you want to help the true independents out there, the Montana businesses, and the other producers who live in the communities, then you better look at royalty relief and streamlining the process to keep our marginal wells in production. You need to let us get to the oil and gas, and you need to be there working with producers, not against them. The Bureau of Land Management, the Department of the Interior, and the United States Forest Service need to change. We don't need to set up a loaning bureaucracy to place more restrictions on our producers and rope them into more capital investment in a market of uncertainty.

Passing this legislation without addressing the heart of the problem is the same as increasing someone's credit limit because they are on the edge of bankruptcy. You have to address the problems of price and access versus production cost, you can't just give them more lead rope and hope the market rebounds to allow them to repay their loans.

Additionally, the legislation before us says you are only eligible for loans under this proposal if credit is not otherwise available, and you can ensure repayment. Well, that sounds like we are talking out of both sides of our mouths. To make matters worse, the legislation dictates that you have to let the General Accounting Office take a full look at your company's records. Not many Montanans that I know want the federal government having full access to their books as a bargaining chip in their effort to get a loan. The other big problem is that the Guarantee Board is made up of appointees of the Clinton-Gore Administration. I believe the real problems facing our producers are political. Would this legislation only make this problem worse? The administration has a known political agenda that is attempting to move all economic activity off our public lands. They are locking it up piece by piece. Will this agenda infect the decision process as to who gets loans? A lot of our interest is on public land and I don't want to have to face the possibility that some of my producers would be discriminated against because they operate on public land.

I know that my colleagues who support this measure mean well, and they are looking for a way to respond to the pain in the oil patch as quickly as possible, but this is not the way to do it. We need to rally behind a consensus bill that gives tax relief and helps lower the cost of production. We need to stand firm on royalty rates, and we need to continue pushing our Cabinet agencies to stop running our producers off the land. We can extract oil and gas responsibly, and our nation depends on it. Unfortunately, the agenda of the current administration is blinded by politics and is set on completely ignoring the reality of what is good both for the West, and for the security of our nation.

No matter what the outcome of the vote today, I hope it does not distract us from working together to find a real solution. If the legislation passes, I don't want to hear that we have fixed the problem. If it fails, I hope those of us who understand the problems facing our oil and gas producers can come together and work towards passing legislation that goes to the core of the problem.

Mr. BREAUX. As a cochair of the Congressional Oil and Gas Forum, I would like to take a few minutes to discuss the importance of America's small, independent oil and gas producers and the importance of this oil and gas loan guarantee program to their survival.

Over time, oil and gas production in the lower 48 states has become the province of independent producers. The so-called majors are more likely to operate in the offshore deepwater and in Alaska. The independents' share of production in the continental U.S. has increased from about 45 percent in the mid-1980s to more than 60 percent in 1997.

Independents are a different element of the oil and gas production industry than majors. Most producers operating in the lower 48 are small producers. They don't have the resources of majors such as refineries and chemical operations to buffer them during periods of low oil prices, such as those over the last year and a half.

As a result, independents finance their operations differently than majors. Independents generate 35 percent of their capital primarily from financial institutions. Low oil prices have made banks reluctant to make loans to the industry. This program would unlock the access to capital that is the lifeblood of this industry.

Independent producers have suffered significantly from the current price crisis. These statistics show the impact low prices have had since October 1997:

Domestic production has dropped below six million barrels per day—from 6.4 million to 5.8 million barrels per day. That's the lowest production since 1951.

More than 56,000 jobs lost out of an estimated 340,000 total industry jobs—that's more than 16 percent.

Although prices are improving, an additional 20,000 oil and natural gas jobs are at risk of being lost.

Since October 1997, 136,000 oil wells (25 percent of the U.S. total) and 57,000 natural gas wells have shut down. Many will never operate again.

Mr. President, $2.21 billion in lost federal royalties and state severance and production taxes. In my state, falling royalty and severance tax revenue have caused Governor Mike Foster to order a $30 million freeze on state government hiring and spending to head off a budget shortfall. The rate of growth in Louisiana sales and personal income taxes has fallen in recent months as laid-off energy workers reduce their spending.

Mr. President, $25 billion in lost economic impact associated with shut down oil and gas wells.

U.S. production down 651,000 barrels per day to 5.88 million, the lowest level since 1951.

Operating rig counts have hit historic lows. From November 1997 through April 1999, the domestic drilling rig count dropped 50 percent. The rig count is a quick measure of the level of activity in the industry. While most of this drop has been in the oil side of the business—about a 60 percent drop—the natural gas side of the industry has seen a 40 percent decline.

Capital budgets for oil and natural gas development are down 25–30 percent with the biggest cuts in the U.S. Most independents are drilling new wells.

Faced with these stark problems, the oil and gas loan guarantee program provides a two-year, GATT-legal, $500 million guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the associated oil and gas service industry (drilling contractors, well service contractors, tubular goods, etc.)

The OMB estimates that the program will cost $125 million. The cost is fully offset by funds from the Administration's travel budget.

Loan guarantees are an approach that the Federal Government has used to help recovery of key domestic industries or cities in times of severe crisis. They have been used for Chrysler Corporation and New York City. The Department of Agriculture operates an ongoing loan guarantee program for farmers that addresses their problems during low commodity prices. Here, the concept would provide bridge financing to allow independent producers and the oil industry supply business to recover from the current price crisis.

Independent producers throughout the country continue to suffer severe economic distress. Recovery will be neither quick nor easy. This Emergency Oil and Gas Loan Guarantee Program will save jobs and businesses. It will contribute to the continued viability of the independent producing industry and U.S. national security.

I urge my colleagues to support this legislation.

Mr. BINGAMAN. Mr. President, I cosponsored the oil and gas loan guarantee program on the emergency supplemental because I believe this is an important and necessary program to ensure independent producers are able to continue operating in the United States. This program is available only to small producers who do not own refineries of any size. No major oil company is eligible.

We are currently importing well over 50 percent of our oil needs. The Energy Information Administration projects that by 2020 we will be importing 65 percent of the oil we consume. The independent oil and gas producers, those companies eligible for this program, have remained committed to domestic production. They are the backbone of our domestic oil supply. They do not import oil, and they do not sell gasoline. Every barrel these independents produce generates jobs, tax and royalty revenues and eliminates another barrel of imports.

Oil prices were as low as $7 per barrel in New Mexico a few months ago. Although prices have recovered somewhat, small producers were devastated. In addition to the pending loan guarantee program, I believe we need to implement other policy changes to protect our domestic production. Our tax and royalty policies need to be changed to ensure independent oil and gas producers have enough cash flow so they can avoid shutting in production again when prices fall as low as they were recently.

I urge support for this bill.

The PRESIDING OFFICER. The clerk will read the bill for a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank my colleagues for their work in the handling of this legislation today. They made a lot of progress. We will vote on final passage first thing in the morning.

A number of Senators have asked about the plan for tomorrow. We do take up the State Department authorization bill after we have final passage of this piece of legislation. There may be a necessary vote or two on amendments, but they will occur, hopefully, as early in the morning as possible, but none later than 11:45. So any of you who have plans to leave at 11:45 or 12 noon, whatever, you will be able to do that.

As usual, we announced we would have a vote or votes on this Friday, but the votes will not occur beyond 12 noon. I hope it will be earlier than that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am glad to yield.

Mr. BYRD. I thank the distinguished Senator from Massachusetts.

I only want to take a few seconds to thank the majority leader for bringing up the bill which the Senate has reached agreement on which will be voted on tomorrow morning, the iron and oil and gas guarantee bill. The leader made a commitment to bring that bill up; he did not make any commitment to pass it. He did not make any commitment to vote for it. But he made a commitment to bring it up, and he has kept his word. I thank him for that.

Mr. LOTT. Thank you very much.

Mr. BYRD. I thank my own leader, and I thank TED STEVENS, the chairman of the Appropriations Committee, and Senator DOMENICI. They have used their usual skill, good humor, and toughness. I think the Nation is better off as a result.

Thank you.

Mr. LOTT. Thank you very much.

Mr. BYRD. I thank the Senator from Massachusetts.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friends and colleagues here from California and Illinois. I intend to use my 10 minutes. I will be glad to respond to questions, but I ask unanimous consent that following my time that the Senator from California be recognized for 10 minutes and the Senator from Illinois be recognized for 10 minutes.

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

Mr. KENNEDY. Thank you, Mr. President.

## THE PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take just a few moments this evening to address the Senate on an issue which our leader, Senator DASCHLE, and others, have spoken to the Senate about in the period of these last few days. I would like to urge that the leadership here in the Senate set a firm time for the consideration of legislation, which I believe is of central concern to families all over this country, known as the Patients' Bill of Rights.

We have taken advantage of the opportunity in the Senate to make a case for the consideration of this legislation. We are very mindful that there are appropriations bills that have to be addressed, but I think this is a matter which is of central importance and concern to all of the families of this country. It does seem to me that we ought to address this question and at least establish a timeframe for which the Senate could debate and finalize its actions on this legislation.

I know there are probably Members wondering why there are several of us who are bringing this to the attention of the Senate again this evening. I would like to just review for the Senate membership what the timeframe has been in the consideration of this legislation since the introduction of the original Patients' Bill of Rights more than 2 years ago.

When we introduced legislation in the Senate over 2 years ago, we thought we would have an opportunity to address it, at least in the final months or weeks of the last session. We were unable to do so. At the very end of the session, the majority leader, at that time, indicated this would be a priority item for the consideration of the Senate.

I thought I would just review briefly tonight the key parts of this legislation and why so many of us are anxious that we have the assurance by the leadership that this matter will be considered by a date certain. If we secure a date, then members will know about it, and the American people will understand it. They will be able to focus on this extremely important health measure, which effectively, when all is said and done, will guarantee that medical decisions in this country are going to be made by the trained professionals and the patients they are treating and not be made by accountants in the various HMOs and insurance companies. When you get right down to it, that is what this legislation is all about.

The Patients' Bill of Rights was introduced over 2 years ago. It was never scheduled in the last Congress, despite our repeated efforts to bring it before the Senate. This year's track record is equally troubling.

On January 19, the majority leader said on the floor of the Senate that it was a priority. On January 27, in an address to the U.S. Chamber of Commerce, the majority leader announced that he expected the bill to come up in May. On March 18, our Health, Education, Labor and Pensions Committee

passed a bill on a party-line vote, but a report has just filed today. We passed the legislation out of our committee on March 18. Now we have April 18, May 18, June 18 coming up tomorrow.

On April 15, the majority leader issued a list of bills to be completed by Memorial Day. The Patients' Bill of Rights was not even on that list. On May 19, the majority leader told the National Journal that he hoped to bring up the bill in June, that he had ordered the Finance Committee to move its portions of the bill. But that committee has held 30 hearings this year, not one on the Patients' Bill of Rights, and no markup is scheduled.

Then on May 27, just as the Memorial Day recess was starting, the majority leader said at a press conference that he hoped it could be brought up by the summer.

So we have gone from an announcement in January that it is a priority to a possible scheduling in May, to a possible scheduling in June, and now it is something that might come up this summer. And just today, the Republican leader said flatly that if we asked for a reasonable number of amendments, the answer was no. That is a quote from the majority leader in today's publication of Congress Daily.

We can say, well, what is this really all about? Why should we be giving this consideration? We had the opportunity in the Health, Education, Labor and Pensions Committee to actually mark up a Patients' Bill of Rights in March of this year. It was reported out over the opposition of a number of us on some very important measures.

I will review very quickly with the Members of the Senate in the time that I have tonight—how much time remains?

The PRESIDING OFFICER (Mr. BENNETT). The Senator has 3 minutes 8 seconds.

Mrs. BOXER. You can take 5 minutes from me.

Mr. KENNEDY. I yield myself the 3 minutes then.

Mr. President, listed in this chart are the protections in the Patients' Bill of Rights. First of all, the legislation that we favor covers all 161 million Americans with private health insurance. Those on the other side, whose legislation primarily favors so-called self-funded programs, don't protect anyone in HMOs. But that's the issue here. HMOs are making decisions on the basis of the bottom line rather than the interests of the patients. We want to protect families. The Republican proposal doesn't even cover those individuals in HMOs, because HMOs are not self-funded.

One amendment would allow the Senate to show whether we are really interested in providing protection for all Americans who need it or just for one-third? It seems to me that could be an issue that wouldn't take a great deal of time to be able to understand.

We heard very considerable debate on complicated issues here this afternoon and were able to make resolutions of those measures. Certainly we ought to be able to make a decision on the floor of the Senate whether we are interested in covering all Americans or whether we are interested, as our friends are on the other side, in only covering about a third of those.

So these issues on the chart are the principal differences between the Republican proposal and the Democratic bill. We would make sure we are going to cover all the patients. We would make sure that we are going to guarantee that all patients, including children, are able to get the specialists that are needed to deal with their needs.

We are going to guarantee coverage for routine costs in certain clinical trials. I believe that the next century is going to be known as the century of life sciences. We are committed here, I believe, in the Senate to doubling the research budget in the NIH. Why? Because of the promises of breakthroughs in lifesaving drugs for cancer and Parkinson's disease and Alzheimer's and other conditions. But to get these breakthrough drugs, you have to provide clinical trials. Clinical trials are a key element in terms of bringing the brilliance of our researchers from the laboratory to the bedside.

We want to make sure that individuals who are afflicted with a disease for which traditional treatments offer very little hope for their survival have access to the breakthroughs that can be achieved by clinical trials. If the medical doctor that is treating that patient recommends a clinical trial, we are committed to making sure that clinical trial will be available for that mother, for that daughter, for that child, for whomever it might be in the family that can benefit from it. That is one of the very important aspects in this debate.

It doesn't make a lot of sense on the one hand to be voting for billions of dollars to support research at the NIH to discover breakthrough therapies, but on the other hand not be able to use them. We want to make sure that there is going to be a law, a guarantee, that encourages access for certain patients.

So, we will take the time in the Senate to go over a few of these issues each day and spell out exactly the kinds of protections that we think are needed in a real Patients' Bill of Rights. There are not a lot of them.

When the minority leader indicated there would be probably 20 amendments or so needed on our side, it is no secret what many of those amendments would be. You can look right over this list and see the protections that are guaranteed in our Patients' Bill of Rights and the failings of the one that will be proposed by the opposition.

The bottom line is that over 200 organizations in this country, made up of the best of the medical profession, the best doctors, the best nurses, the patients' organizations, working families and others, universally and uniformly support our proposal. And the other side does not have one, not one organization. There isn't a single medical organization in our country that supports their program. But 200 leading groups support ours. Not because it is Democrat or Republican. It is because ours protects patients.

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

Mrs. BOXER. Mr. President, if I could, I ask unanimous consent to engage my friend on my time in a couple of questions, reserve the remainder of my time, and then ask the Senator from Illinois if he would go, and then I will close.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. Mr. President, we thought there was a breakthrough from our majority leader. We believed we were going to have this Patients' Bill of Rights before us soon. I know we did that with the gun bill. I just want to know where we stand on this. I was listening to my friend. Is it my understanding it is the position of the majority leader that he would not agree to scheduling this Patients' Bill of Rights if we would just offer 20 amendments to it? Is that it? Did he put out a number of amendments he would accept?

Mr. KENNEDY. The Senator is quite correct, according to this morning's edition of Congress Daily. The leader was here earlier this evening and has not refuted it. The Democratic leader has restated it. Here it is. He says, ''If they are still insisting on 20 amendments, the answer is no.'' Then he says, ''We don't have but 2 weeks before the Fourth of July.''

But, as I understand it, there are some 52 or 53 amendments that are now pending on the legislation we are calling up tomorrow, dealing with the State Department authorization. So 52 amendments are OK for the State Department authorization, but our 20 amendments are not OK for the Patients' Bill of Rights.

Here they are, effectively, on this chart. There is no secret about what we are generally interested in addressing. There may be some changes in some of the language. I think one of the ones that might be missing is something on ''drive-through mastectomies,'' which is not spelled out here. But there is no secret here.

Mrs. BOXER. Mr. President, so that people in this country understand, when it comes to the State Department, which deals with other countries, there doesn't seem to be any problem of the leadership with having 50-plus amendments. But when it comes to the reality and everyday life of our people who are not getting the quality health care they deserve, who want to see HMOs held accountable,

who want to be able to go to a specialist, who want to make sure they have the information as to what all the possibilities of treatment are, who want to make sure, if they are, for example, a woman and they go to an OB/GYN and all of those points on there, we can't have that. They would add up to 20, 21 amendments, but we do not have agreement.

I think the American people ought to understand what is going on here. I have to say, in my heart of hearts, as my friend points out, every responsible organization that deals with health care supports this Patients' Bill of Rights—the Democrats' version. So one can only conclude it is the special interests on the other side that are blocking this proposal from coming to the floor. I can't come up with any other answer. I wonder if my friend can.

Mr. KENNEDY. The Senator is quite correct. I mentioned a moment ago—but it bears repeating—that we had the assurance by the majority leader on January 19 and January 27 that this would be a priority, and we expected the bill to come up in May. On March 18, we acted in our Health and Education Committee and reported out what I consider to be a ''Patients' Bill of Wrongs.'' It doesn't provide the protections American patients need. But we ought to have whatever is going to be used out here so we can debate it. The bill from our committee was just filed today. They have had half of March, all of April, May, and half of June—3 months. That gives an indication of what the attitude and atmosphere is here in terms of acting on something that is of central importance to protecting families across this country.

And then, finally, as we heard today, it isn't just to the Senator from California, or from Illinois, or the Senator from Massachusetts, but they are saying no to the families in this country: No, you are not going to be able to have those protections considered. No, you are not going to be able to bring this up. We heard last year from those on the other side of the aisle that we are not going to let you decide what the agenda is going to be.

All we are trying to do is the people's business. It is the business that has been supported by virtually every single major medical and patient organization. It is their business, and their treatment. It is each family's business. That is why I wonder whether the Senator from California, like myself, is troubled by the fact that we can't get this legislation up, why we get a refusal to consider this proposal.

If I could ask the Senator, does the Senator remember that the Democratic leader indicated that, as far as speaking for the Democrats, we could go on sort of a dual track. If it was the judgment of the Republican leadership that we could do their agenda, I know I would be here through the afternoon tomorrow and through the afternoon on Saturday, or in the evenings, of course, next week. We could certainly get a debate and discussion on the various 20 or so amendments needed to pass a good bill. And I am wondering if the Senator from California or the Senator from Illinois remembers when that proposal was put forward. I have been here a number of times when we have followed that procedure.

Mrs. BOXER. Yes, I just heard Senator DASCHLE propose again that we have a late shift. He said many Americans, after they work their day shift, work a late shift. Why don't we do it here in the Senate? Here we are, the Senator from Utah is in the Chair, and he is always ready to work; he is a great worker. We are here ready to work. The people want us to do the business.

I will close my question this way. This happened once before on the minimum wage. I hope the Senate remembers the ending of that. When the Senator from Massachusetts decides to take all his energy and put it to an issue, and we come around and we put our energy and spirit behind an issue, what happens is that eventually the issue will be heard. We did it with the minimum wage. It was a horrible situation, trying to get that before the Senate. But I think we know how to do it. As the Senator from Massachusetts said, if this wasn't an important issue, we would fail in our effort. If this was a frivolous matter, we wouldn't win. But it is important every single day to people.

I have case after case in California—and I hear them coming from around the country—where you have a little child who is your pride and joy. Suddenly, a terrible disease hits and an HMO says: You don't need a pediatric specialist; take him to our cancer specialist. They ask: Has the cancer specialist ever operated on a child before? The answer is: No, but he is good. They say: No; I want the best for my child. I want somebody who knows what it is to examine a little body. Children are not little adults; they are changing, they are growing, they are different. I, on the other hand, am a little adult, but a child is different and they need to have specialties.

Under the bill the Democrats are supporting, that would be a fact. You would have the right to have someone who knows what they are doing. If you want to get a tooth pulled, you don't go to a foot doctor. If you want to treat a child, you go to a pediatric specialist. So this is serious.

I am so happy to be part of this little trio tonight.

Mr. KENNEDY. If the Senator will yield, the proposal advanced by our Republican friends is so bad that you can't even appeal the rights it purports to guarantee. If, for example, you had a child whose doctor recommended a cancer specialist—a pediatric oncologist—and the HMO rejected it, by saying, ''No, we are not going to allow you to see that specialist, even if the doctor recommended it,'' and the parent said, ''Well, I want to appeal''; under the proposal reported out of the Labor Committee, that family has no right of appeal, because the right of appeal is defined to deal only with certain decisions and not with regard to individuals' access to specialists. So it effectively excludes from the appeal system a whole range of care and protection that it claims to provide. That is rather a technical aspect. That may take a little time to debate. We can certainly vote on that. But not only don't you get the specialist, you don't even have a right to appeal it even if the doctor says this is what your child needs.

I can say, from a personal point of view, how important these provisions are. My son had cancer, osteosarcoma, and he was given little chance in terms of survival. They told him he needed a pediatric oncologist, and he was able to participate in a clinical trial that worked miracles for him and the other children who participated in it.

Members of the Senate always have very good insurance. We can get into clinical trials, and we can have our specialists. It is always interesting to me that some Members can vote no on these protections when they have it themselves. Then some Members wonder why people are cynical about how they view Members of the Congress.

As you well know, when you become a Member of the Senate, you fill out that little card so you can have the health care coverage that is available to Federal employees. You don't have to take it. But I bet there isn't a Member of the Senate who has refused it.

Yet, they are prepared to deny Americans across the country the kind of protections we have, and that our families have. They don't want to debate this issue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join my colleagues from California and Massachusetts. We were on the floor about a month ago and decided that we would like to have the Senate debate the gun issue. I remember the day very well. The majority leader, Senator LOTT, came to the floor and said: You will have your wish. In 2 weeks you will get a vote.

Most people view that as a very historic debate, as America was literally emotionally wrenched over the Littleton, CO, tragedy.

We, finally after a few weeks, addressed it on the floor of the Senate in a debate which culminated in the passage of sensible gun control legislation, when the Vice President of the United States, AL GORE, cast the deciding vote.

We come to the floor this evening, as we have before and will in the future, to urge the leadership of the Senate to again address the issue which is on the minds of American families nationwide.

Senator KENNEDY made an excellent point. We are blessed as Members of

the Senate. We are blessed by being considered Federal employees. As Federal employees, we have access to health care, which very few people in America have.

Imagine this for a moment. Once a year, we have open enrollment. We get to make a choice of medical plans. What do we want for our families?

There is a Congressman now who serves from the State of South Carolina in the House of Representatives who decided at age 60 that he wanted a lung transplant. He waited until open enrollment and enrolled in a plan which would cover a lung transplant for him at the age of 60. He signed up for it and went through the operation successfully, and still serves in the U.S. House of Representatives. This was 6 or 8 years ago. But he was able to shop for his health insurance. What a luxury.

How many Americans can do that? Those of us in the Senate and most Federal employees have that option. What we are talking about is giving this kind of protection and this kind of option to many different Americans when it comes to the quality of their own health care.

When we asked the Rand Corporation how important this issue is, they told us that 115 million Americans either have had a problem with their managed care insurance, or a member of their family has had a problem. This is a real concern.

Do you remember the movie ''As Good As It Gets'' with Jack Nicholson and Helen Hunt? She was so good in that movie and had a little boy suffering from asthma. There was this great scene in the movie where Jack Nicholson decides to pay for a specialist to come see her little boy at their apartment. They are sitting at the table, and Helen Hunt decides to give, in her own earthy way, an expletive definition of managed care. In every movie theater that I have been to where that movie is shown the people started applauding. She knows what she is talking about.

Arbitrary decisions that are being made by bureaucrats and clerks in insurance companies are not good for you or your family.

Senator KENNEDY is talking about the Democratic Patients' Bill of Rights. Senator BOXER of California spelled out the difference between these two.

It gets down to some fundamental things. When you look at it, think about this.

An internist from my hometown of Springfield, IL, a town of about 110,000 people with two excellent hospitals comes in to talk to me. We are in a conversation. He says: You know, I am treating more and more patients for depression. It is something that seems to bother a lot of people, and thank goodness we have many ways to treat it with drugs and therapies that work. He says: You know, a lot of my patients are concerned if it gets into part of their medical record that they have been treated for chronic depression. He says: Of course, they know that if they are in a position where they have to apply for health insurance in the future they may be turned down because they have ''a mental illness,'' a chronic depression, a very common malady among American people.

Shouldn't we during the course of this debate on a Patients' Bill of Rights talk about this kind of prejudice and discrimination against people who have chronic depression? This is something that affects every family. It could.

When we talk about access to health care—Senator KENNEDY made this point, and Senator BOXER as well—the difference between the Republican plan and the Democratic plan is graphic. The Republican plan excludes more than 100 million Americans from protections we are talking about. They cover people that are in a self-funded employer health insurance plan, about 48 million Americans. But look who is left behind—15 million Americans buying individual policies, 23 million State and local government workers, 75 million people whose employers provide coverage through an insurance policy, or an HMO, 75 million people written out of the Republican plan. They leave behind 113 million Americans.

If we are talking about a real bill that addresses the concern of real American families, it should include all.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. Basically, the self-funded plans are primarily the largest businesses. Looking at this another way, you will find that people left out of the Republican plan are schoolteachers, police officers, social workers, and small business men and women. How many small businesses have self-funded programs? Virtually none.

Mr. DURBIN. And farmers.

Mr. KENNEDY. And farmers. These are the ones that aren't included in the majority's proposal. These are the ones that the statistics confirm what the Senator from Illinois has said. But when you look behind those statistics about who is covered and who isn't covered, you will find that it is the working families, the small business men and women, and the farmers and the workers who are the ones that aren't included. They certainly should be protected as well as everyone else.

I thank the Senator.

Mr. DURBIN. I thank the Senator from Massachusetts. His point is well taken.

Before we end this debate, let's stop talking about health for a minute and let's talk about politics.

If this is such an important issue, and the debate on this issue is really one where we could have some debates, why are we not considering it on the floor of the Senate?

We spent 5 days debating protection for computer companies against lawsuits—5 days to protect these computer companies. It is an important debate. Can't we spend 5 hours talking about protecting American families when it comes to their health insurance? We are afraid of amendments, the Republicans say. We want to make sure that we have a limited number of amendments—no more than 20 on the side. In fact, that may be too many.

As Senator KENNEDY said, on the next bill we will consider there are over 50 amendments. We haven't disqualified that bill from consideration. We understand that it is important that we do our business and debate these things and vote on them.

The bottom line here is that there are Members on the other side of the aisle who do not want to face votes on these issues. They don't want to have to go home and explain why they stood with the insurance companies and voted against the people they are supposed to represent—the families, the consumers, those who are literally worried on a day-to-day basis as to whether they have health insurance protection.

I think, frankly, they have to face their responsibility on this side of the aisle as we do on our side of the aisle, a responsibility to face a tougher vote, make a choice, go home, and defend your vote. That is the nature of this government.

For them to try to construct some sort of a strategy on the floor to protect themselves from criticism is at the expense of the families across America who do not have adequate health insurance and expect Congress to do something to protect them.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator for his eloquence on this point.

When he said we spent 5 days taking care of the computer industry, I come from the Silicon Valley. I love those people. They are good people. They are the best employers. As a matter of fact, I thought it was a bit insulting to them to think that they need to have all of this special help from us. I think they are going to take care of the problem and stand up to the challenge. They are wonderful people. We took care of them with days of debate. We took care of the steel companies. We just did that. Oil companies—just did that.

I am sitting here thinking what about all these people who write us every day.

I want to ask the Senator a question. Is it not his understanding—because the Senator said this before, and I want the Senator to expound on it—that there are only two groups in America today who cannot be held accountable in a court of law? Could the Senator talk about who those groups are?

Mr. DURBIN. Every one of us as individuals and businesses can be held accountable for our actions. That is understandable. You go out and drink too much, drive a car, get in an accident, and you might be sued. There are two groups, though, that are spared this: foreign diplomats and health insurance companies.

Why in the world would we carve out this kind of protection from liability for this group of health insurance companies? If they make the wrong decision on coverage, and it is your child who ends up not getting adequate care, or getting a bad medical result, who should be held responsible—the doctor, the hospital, or the insurance company that made the basic decision? I think the insurance company should.

Frankly, if they are held accountable, they will think twice about making the wrong decision. They will make certain that children have access to specialists they need, that people can go to emergency rooms close to home, and when there is a medical necessity there is a continuity of care. If your employer changes health insurance, you have an opportunity to keep that doctor who is so important to you.

One of the most humbling experiences in my life—in the life of virtually anyone—is to sit in a waiting room in a hospital waiting to hear about the surgery on your child. Senator KENNEDY has been through that. I have been through that. It is something I will never forget. You realize that everything you hold dear and close is in the hands of people you have to trust to be the very best specialists, well-trained medical technicians trying to save or improve the life of someone you love so very much.

I think at those moments in our life when we are so vulnerable and pray that we have the very best and brightest helping our children and helping members of the family we love so much, to do the job and do the right thing and bring them home, we need to have the confidence that we have a system that works.

Over 100 million Americans today question whether this system works. They question whether that doctor they want to trust can tell them everything they need to know. They question whether that hospital making a decision can make that decision without worrying about some insurance clerk in some faraway city.

If we do nothing else in the 106th Congress, shouldn't we address this basic gut issue that American families worry about on a day-to-day basis? The 105th Congress came and went with a record no one remembers. This Congress has a chance to act. We may debate a lot of things on the floor of the Senate, but if we don't take up this very fundamental issue, we are missing our responsibility.

This Congress should not be toiling in an atmosphere of partisanship. It shouldn't be afraid to face tough issues. It should come forward and vote for the Patients' Bill of Rights, as Senator KENNEDY and Senator BOXER have said, to make sure families across America receive the protection they deserve.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will address the same subject that my senior colleague from Massachusetts and the Senators from California and Illinois have talked about: The Patients' Bill of Rights.

Our health care system has been a remarkably successful system. We can't forget the fact that over the years the idea of people living longer and healthier has become a reality.

When I was a little boy, all the kids in my neighborhood would come around and press their foreheads to the kitchen window because in our home sat a curiosity, in a certain sense. It was my great grandmother; she was over 80. In the neighborhood, everybody said she was the oldest lady in the world. They hadn't seen anybody over 80. It was a rarity.

These days, of course, somebody who lives over 80 is, thank God, rather commonplace. In fact, on the ''Today Show'' they used to announce people who celebrated their 80th birthday; then they announced the 90th birthdays; and now they announce the 100th and 105th birthdays. That is, in good part, because of our health care system.

It is a good health care system, there is no question. However, over the last several years it has developed some problems that can be fixed. These are not the intractable problems of how we pay for the costs of new operations that cost tens of thousands and even hundreds of thousands of dollars.

What happened is very simple. Costs were going up. We were basically involved in a cost-plus system. As a result, HMOs developed. HMOs had a good purpose. They were going to ''rationalize'' the health care system. They were going to keep costs down so that the providers could not raise costs willy-nilly and have a third party pay.

For a while it worked. Costs did decline. It is one of the reasons that our budget is in better shape today than it has been.

However, the pendulum swung too far. In a good effort to reduce costs, HMOs began to go too far. They started assigning important, often life-and-death decisions. They started taking those decisions out of the hands of physicians, out of the hands of hospitals, out of the hands of trained personnel, and putting them in the hands of actuaries.

As a result, day after day after day, injustices are done. We hear stories such as the one I told on the floor a couple of days ago about the young nurse who can barely walk because her HMO would not provide her with an orthopedic oncologist. Instead, she went to a regular orthopedic surgeon. The surgery was performed not well. The tumor grew back. She had to go to an orthopedic oncologist.

How about a simple case where somebody has cancer. The HMO says yes, that is covered. Because of the cancer, they cannot swallow; they cannot eat. The HMO's decision of no dietary supplements being allowed is a ridiculous decision.

How about the times when people go to an emergency room and are told: You are not covered; go somewhere else.

Or when woman after woman after woman is again turned away from going to an obstetrician or gynecologist. A woman is told that osteoporosis, a common woman's disease, is not covered by the HMO, even though diseases that would be just as frequent in men are covered.

On issue after issue after issue, every day across America, scores of people—perhaps hundreds of people—are sitting there in awful situations and are told that not only do they have to deal with their illness but they have to deal with an unfair HMO.

What we seek to do, led by the senior Senator from Massachusetts, is simply to redress that imbalance. This is not radical surgery. We are not trying to totally change the system. We are not even trying to eliminate HMOs. We are simply trying to put in place some basic rules of fairness that seem to most Americans to be called for. We are simply trying to say that the pendulum, which has swung so far over on the side of the actuaries, should move a little bit back to the middle. We are attempting to keep the best parts of HMOs, which deal with cost savings, and at the same time get rid of their most egregious violations. We are on the floor of the Senate simply asking for a chance to debate those issues.

I have now been in the Senate close to 6 months. We had some historic moments in the first few months. Since then, it seems to me no issue is being asked to be debated more, to be discussed, to be legislated upon than this subject. Yet we are told we can't do it. It just does not make sense.

So we must come to the floor of the Senate in the early hours of the morning or the later hours of the evening and make our case. We shouldn't have to. This is a deliberative body that has been known for its great debates, that has been known for the fact that, if a group of Senators feels strongly about an issue, they will get to debate it and vote on it. That has been the tradition for the 200-some-odd glorious years of this body. It is being thwarted on an issue of great importance.

I am sure most of my colleagues in this body do not agree with every position I hold, and I don't agree with every position they hold on HMOs. How in the name of fairness can we refuse to debate the issue? How can we refuse that young nurse who really needs the orthopedic oncologist or that cancer victim who needs dietary supplements or that woman who needs help with

osteoporosis? How can we refuse, at least through their elective Representatives, to let their voices be heard?

So we debate tonight simply asking for some vital things. We ask for the ability of patients to be treated in the emergency room wherever that emergency occurs. We ask for the ability of people to get the specialists that are medically called for and that they need, not for excessive use, not for things they do not need, but for things they need. We ask, if that HMO makes an egregious and reckless mistake, for the ability to sue it, not out of malice but out of fairness, out of recompense, and out of a desire to correct an abuse that may have occurred.

As I mentioned, these are not large demands in the grand scheme of things, but they are very important to millions of Americans who either have an ill loved one, or have an illness themselves, or who worry that they might.

So I ask, and I am joined by so many of my colleagues, particularly those of us on this side of the aisle, I ask the majority leader to allow this issue to come to the floor, to allow a full and open debate. I do not know what the results will be, but I can tell you this: If we do that, we will be, indeed, fulfilling our obligation as the people's Senators, as the people's Representatives, and we will be living up to the fine and high traditions of this Senate.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I hoped to get over here prior to the time my colleagues left the floor, but let me compliment Senators KENNEDY, DURBIN, BOXER, SCHUMER, and others who participated in the colloquy this afternoon on the Patients' Bill of Rights. We are very hopeful that over the course of the next two weeks the Senate can reach an agreement on proceeding to the bill, the Patients' Bill of Rights.

We will be more than happy to enter into negotiations with our colleagues on the other side of the aisle with one understanding, that we have the opportunity to offer amendments. In fact, we have suggested at least 20 amendments to ensure that we have a good debate. We don't want to have a sham debate on something of this import. On a bill that we will take up tomorrow, the State Department authorization bill, both sides have agreed to consider 52 amendments. We passed the Defense authorization bill a month ago, and we agreed to over 100 amendments. We have reached an agreement on virtually every bill that has come to the floor. In fact, the juvenile justice bill had 35 amendments with over 18 rollcall votes.

But I think the key question is, if tomorrow we can agree, as Republicans and Democrats, to consider 52 amendments on a bill that has, frankly, very little relevance to the day-to-day lives of every American, as important as it is for other reasons, then, my goodness, it would seem to me we could agree to 20 amendments on the Patients' Bill of Rights.

One of the amendments we feel very strongly about offering is an amendment to expand the scope of the bill. I just want to talk briefly about that before I move to another issue. Probably the single biggest difference—I won't say the only big difference, because there are many—but one of the most important differences between the Republican bill and the Democratic bill has to do with what we call scope. By scope, we simply mean who is covered.

By everybody's recognition, the Republican bill covers 48 million Americans. Those 48 million Americans fall into one category: those employed by large businesses that are self-insured. Those are the only American people today who are covered under the Republican bill.

I have a chart. This is so important. This chart says it so well. This chart shows what the Republican bill does not do, and why we feel so strongly about offering amendments. Mr. President, 48 million Americans are covered through a plan that self-funds insurance within the company. Here are all the people who are not covered; 75 million Americans are not covered who have individual insurance policies or an HMO that is purchased but not funded by their employer. In other words, if you are an employee of a company with self-funded insurance, you are covered. If you work for an employer who contracts with an insurance company or an HMO, you are not covered.

There are only 48 million people in that category—those who work for a self-insured employer. There are 75 million Americans who are working for employers who purchase their insurance through separately-funded insurance companies and HMOs. There are another 23 million Americans who have their insurance through their jobs in State and local governments, and then there are 15 million Americans who have individual insurance plans. All of those people are not covered in the Republican plan. Two-thirds of all of those with health insurance are not covered.

I do not know why they would not be covered under the Republican plan. I am sure our Republican colleagues have a good rationale for not including all of these people. I have heard them say they are covered in some of the State plans. That is the problem.

What if you move from one State to another? The average American family now moves three times in the life of the family as children are growing up. What if you move? What if you get transferred? You may not be covered. How do you know? Are you going to call the State capital and find out? We say: Cover them all. Cover all 75 million Americans who are working for companies that have insurance coverage. Cover all State and local government employees. Cover all people who have individual policies and, yes, cover everybody who is working for a self-insured company.

That is just one of the many differences—and we want to talk more about that in the future—but it is why we ought to have amendments. Some suggest let's just have an up-or-down vote on the Republican bill and an up-or-down vote on the Democratic bill. That will not cut it. We will not have an opportunity to talk about issues like this.

I really hope we will have the opportunity to have that debate in the next 2 weeks. We will have the opportunity, because if we cannot get an agreement, we will be forced then to offer it as an amendment to another bill.

## WHO CALLS THE SHOTS ON CAPITOL HILL, THE GUN LOBBY OR AVERAGE AMERICANS?

Mr. DASCHLE. Mr. President, I want to briefly talk about another issue, because it is pending in the House at this time and I think it is very important to talk about the gun control issue.

Last month, the day before the Senate voted to close the gun show loophole, a prominent Republican Senator made a prediction. He said it really did not matter how the Senate voted, because the House would water down any gun restrictions we pass.

That is what was predicted. The gun lobby and its supporters in the House have now made good on that threat. But even though we were warned, we are still stunned that the power of one lobbyist organization can be so demonstrably effective as they appear to have been thus far.

The gun lobby's approach to gun control in the Senate was a sham. It is a sham in the House. The first House Republican leadership announcement was that they would divide the juvenile bill into two separate bills: one focusing on youth crime and culture, the other on gun control.

We all recognize what that announcement was. It was a move to dilute or even kill the modest gun control measures that had passed in the Senate just a few short weeks ago. Now the House Republican leadership has decided not to bring its sham bill to the floor of the House until 8 o'clock tonight, well after the evening news. I think we know why. The pro-gun forces clearly do not want the American public to know what is going to happen after 8 o'clock tonight.

It may be after 8 o'clock tonight when the House begins its gun debate, but it is certainly high noon for those of us who care about this issue. It is time we find out who is going to win

this showdown: the gun lobby or the American people.

Littleton, CO, marked a turning point for most Americans, and now we will find out if it marked a turning point for the pro-gun forces on Capitol Hill—or if it is just business as usual. Are we going to make it harder for children and criminals to get guns—or easier? Is it as dramatic a moment, is it as clear a choice as many of us in the Senate believe it is?

Today, we are warning those who are about to vote in the House: The gun lobby tried every excuse and half-measure they could come up with to defeat the modest restrictions in the Senate, and they failed.

Why? Because we know what America wants. America wants to close the gun show loophole. Sham proposals that do not cover all gun shows and allow criminals to get guns are not enough. Weak measures that only allow 24—or even 72 hours—are not enough. Law enforcement must have up to three business days to complete background checks, when necessary, to make sure that guns do not end up in the hands of criminals. Nothing less is acceptable.

The gun lobby says it is, but I guarantee that any family who has lost a child to gun violence will disagree. Listen to your conscience and your constituents, not to the extremist wing of the gun lobby.

I come from gun country. Most South Dakotans feel pretty strongly about guns. They are part of our culture, our heritage. I have owned a gun since I was 8 years old. But even in South Dakota, the vast majority of people believe we need to do more to keep guns out of the hands of children and criminals.

Tonight, the House of Representatives has a chance to build on the conscientious proposals that passed in the Senate. It is a narrow window of opportunity for Congress to act in a way that will make a real difference for our children and for our communities. Let us listen, let us stop the maneuvering, let us do something now. Tonight is the night. Mr. President, 8 o'clock, 9 o'clock, 1 o'clock, 3 o'clock, it does not matter. Do the right thing. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

## ENDING ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I will take a few minutes to speak about why I was necessarily absent from voting yesterday and explain how I would have voted had I been here.

For the better part of a decade, I have been working to help end abusive and exploitative child labor around the globe and even in our backyard. I have come to the floor many times over the last several years to speak about this issue, submitting resolutions, working with the International Labor Organization, and others, to do what we can to end abusive and exploitative child labor.

The ILO, the International Labor Organization, estimates that 250 million children worldwide are economically active—that means they are working—and many work in dangerous environments which are detrimental to their emotional, physical, and moral well-being.

Yesterday was a very historic day. For the first time in the 80-year history of the International Labor Organization, the President of the United States addressed that body. The President traveled to Geneva and asked me to accompany him because of my work on this issue.

I cannot really find the words to describe the impact of the President of the United States standing in front of a couple thousand people, all of whom have been working for years to end child labor, speaking as the President of the United States—it was the first time in the history of the ILO that a President ever spoke to this organization—about one issue: child labor.

I could not have been more proud of our Nation and of President Clinton for the words he spoke, for the position he took on this issue. He endorsed this new convention. There is a new convention that was just signed today, a new convention to end the most abusive and exploitative forms of child labor around the globe. We were there. We signed it at the meeting. I am hopeful the President will very soon transmit this new convention to the Senate for ratification.

It was a great speech President Clinton gave to the ILO. I ask unanimous consent to have printed in the RECORD the address by the President of the United States to the International Labor Organization in Geneva, Switzerland, on June 16.

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

REMARKS BY THE PRESIDENT TO THE INTERNATIONAL LABOR ORGANIZATION CONFERENCE, UNITED NATIONS BUILDING, GENEVA, SWITZERLAND, JUNE 16, 1999

The PRESIDENT: Thank you very much, Director General Somavia, for your fine statement and your excellent work.

Conference President Mumuni, Director General Petrovsky, ladies and gentlemen of the ILO: It is a great honor for me to be here today with, as you have noticed, quite a large American delegation. I hope you will take it as a commitment of the United States to our shared vision, and not simply as a burning desire for us to visit this beautiful city on every possible opportunity.

I am delighted to be here with Secretary Albright and Secretary of Labor Herman; with my National Economic Advisor Gene Sperling, and my National Security Advisor Sandy Berger. We're delighted to be joined by the President of the American Federation of Labor, the AFL–CIO, John Sweeney, and several other leaders of the U.S. labor movement; and with Senator Tom Harkin from Iowa who is the foremost advocate in the United States of the abolition of child labor. I am grateful to all of them for coming with me, and to the First Lady and our daughter for joining us on this trip. And I thank you for your warm reception of her presence here.

It is indeed an honor for me to be the first American President to speak before the ILO in Geneva. It is long overdue. There is no organization that has worked harder to bring people together around fundamental human aspirations, and no organization whose mission is more vital for today and tomorrow.

The ILO, as the Director General said, was created in the wake of the devastation of World War I as part of a vision to provide stability to a world recovering from war, a vision put forward by our President, Woodrow Wilson. He said then, ''While we are fighting for freedom we must see that labor is free.'' At a time when dangerous doctrines of dictatorship were increasingly appealing the ILO was founded on the realization that injustice produces, and I quote, ''unrest so great that the peace and harmony of the world are imperiled.''

Over time the organization was strengthened, and the United States played its role, starting with President Franklin Roosevelt and following through his successors and many others in the United States Congress, down to the strong supporters today, including Senator Harkin and the distinguished senior Senator from New York, Patrick Moynihan.

For half a century, the ILO has waged a struggle of rising prosperity and widening freedom, from the shipyards of Poland to the diamond mines of South Africa. Today, as the Director General said, you remain the only organization to bring together governments, labor unions and business, to try to unite people in common cause—the dignity of work, the belief that honest labor, fairly compensated, gives meaning and structure to our lives; the ability of every family and all children to rise as far as their talents will take them.

In a world too often divided, this organization has been a powerful force for unity, justice, equality and shared prosperity. For all that, I thank you. Now, at the edge of a new century, at the dawn of the information Age, the ILO and its vision are more vital than ever—for the world is becoming a much smaller and much, much more interdependent place. Most nations are linked to the new dynamic, idea-driven, technology-powered, highly competitive international economy.

In digital revolution is a profound, powerful and potentially democratizing force. It can empower people and nations, enabling the wise and far-sighted to develop more quickly and with less damage to the environment. It can enable us to work together across the world as easily as if we were working just across the hall. Competition, communications and more open markets spur stunning innovation and make their fruits available to business and workers worldwide.

Consider this; Every single day, half a million air passengers, 1.5 billion e-mail messages and $1.5 trillion cross international borders. We also have new tools to eradicate diseases that have long plagued humanity, to remove the threat of global warming and environmental destruction, to lift billions of people into the first truly global middle class.

Yet, as the financial crisis of the last two years has shown, the global economy with its churning, hyperactivity, poses new risks, as well, of disruption, dislocation and division. A financial crisis in one country can be felt on factory floors half a world away. The world has changed, much of it for the better, but too often our response to its new challenges has not changed.

Globalization is not a proposal or a policy choice, it is a fact. But how we respond to it

will make all the difference. We cannot dam up the tides of economic change anymore than King Knute* could still the waters. Nor can we tell our people to sink or swim on their own. We must find a new way—a new and democratic way—to maximize market potential and social justice, competition and community. We must put a human face on the global economy, giving working people everywhere a stake in its success, equipping them all to reap its rewards, providing for their families the basic conditions of a just society. All nations must embrace this vision, and all the great economic institutions of the world must devote their creativity and energy to this end.

Last May I had the opportunity to come and speak to the World Trade Organization and stress that as we fight for open markets, it must open its doors to the concerns of working people and the environment. Last November, I spoke to the International Monetary Fund and World Bank and stressed that we must build a new financial architecture as modern as today's markets, to tame the cycles of boom and bust in the global economy as we can now do in national economies; to ensure the integrity of international financial transactions; and to expand social safety nets for the most vulnerable.

Today I say to you that the ILO, too, must be ready for the 21st century, along the lines that Director General Somavia has outlined.

Let me begin by stating my firm belief that open trade is not contrary to the interest of working people. Competition and integration lead to stronger growth, more and better jobs, more widely shared gains. Renewed protectionism in any of our nations would lead to a spiral of retaliation that would diminish the standard of living for working people everywhere. Moreover, a failure to expand trade further could choke off innovation and diminish the very possibilities of the information economy. No, we need more trade, not less.

Unfortunately, working people the world over do not believe this. Even in the United States, with the lowest unemployment rate in a generation, where exports accounted for 30 percent of our growth until the financial crisis hit Asia, working people strongly resist new market-opening measures. There are many reasons. In advanced countries the benefits of open trade outweigh the burdens. But they are widely spread, while the dislocations of open trade are painfully concentrated.

In all countries, the premium the modern economy places on skills leaves too many hard-working people behind. In poor countries, the gains seem too often to go to the already wealthy and powerful, with little or no rise in the general standard of living. And the international organizations charged with monitoring and providing for rules of fair trade, and enforcement of them, seem to take a very long time to work their way to the right decision, often too late to affect the people who have been disadvantaged.

So as we press for more open trade, we must do more to ensure that all our people are lifted by the global economy. As we prepare to launch a new global round of trade talks in Seattle in November, it is vital that the WTO and the ILO work together to advance that common goal.

We clearly see that a thriving global economy will grow out of the skills, the idea, the education of millions of individuals. In each of our nations and as a community of nations, we must invest in our people and lift them to their full potential. If we allow the ups and downs of financial crises to divert us from investing in our people, it is not only those citizens or nations that will suffer—the entire world will suffer from their lost potential.

It is clear that when nations face financial crisis, they need the commitment and the expertise not only of the international financial institutions, they need the ILO as well. The IMF, the World Bank and WTO, themselves, should work more closely with the ILO, and this organization must be willing and able to assume more responsibility.

The lesson of the past two years is plain: Those nations with strong social safety nets are better able to weather the storms. Those strong safety nets do not just include financial assistance and emergency aid for poorest people, they also call for the empowerment of the poorest people.

This weekend in Cologne, I will join my partners in the G–8 in calling for a new focus on stronger safety nets within nations and within the international community. We will also urge improved cooperation between the ILO and the international financial institutions in promoting social protections and core labor standards. And we should press forward to lift the debt burden that is crushing many of the poorest nations.

We are working to forge a bold agreement to more than triple debt relief for the world's poorest nations and to target those savings to education, health care, child survival and fighting poverty. I pledge to work to find the resources so we can do our part and contribute our share toward an expanded trust fund for debt relief.

Yet, as important as our efforts to strengthen safety nets and relieve debt burdens are, for citizens throughout the world to feel that they truly have a hand in shaping their future they must know the dignity and respect of basic rights in the workplace.

You have taken a vital step toward lifting the lives of working people by adopting the Declaration on Fundamental Principles and Rights at Work last year. The document is a blueprint for the global economy that honors our values—the dignity of work, an end to discrimination, an end to forced labor, freedom of association, the right of people to organize and bargain in a civil and peaceful way. These are not just labor rights, they're human rights. They are a charter for a truly modern economy. We must make them an everyday reality all across the world.

We advance these rights first by standing up to those who abuse them. Today, one member nation, Burma, stands in defiance of the ILOs most fundamental values and most serious findings. The Director General has just reported to us that the flagrant violation of human rights persists, and I urge the ILO governing body to take definite steps. For Burma is out of step with the standards of the world community and the aspirations of its people. Until people have the right to shape their destiny we must stand by them and keep up the pressure for change.

We also advance core labor rights by standing with those who seek to make them a reality in the workplace. Many countries need extra assistance to meet these standards. Whether it's rewriting inadequate labor laws, or helping fight discrimination against women and minorities in the workplace, the ILO must be able to help.

That is why in the balanced budget I submitted to our Congress this year I've asked for $25 million to help create a new arm of the ILO, to work with developing countries to put in place basic labor standards—protections, safe work places, the right to organize. I ask other governments to join us. I've also asked for $10 million from our Congress to strengthen U.S. bilateral support for governments seeking to raise such core labor standards.

We have asked for millions of dollars also to build on our voluntary anti-sweat shop initiative to encourage the many innovative programs that are being developed to eliminate sweat shops and raise consumer awareness of the conditions in which the clothes they wear and the toys they buy for their children are made.

But we must go further, to give life to our dream of an economy that lifts all our people. To do that, we must wipe from the Earth the most vicious forms of abusive child labor. Every single day tens of millions of children work in conditions that shock the conscience. There are children chained to often risky machines; children handling dangerous chemicals; children forced to work when they should be in school, preparing themselves and their countries for a better tomorrow. Each of our nations must take responsibility.

Last week, at the inspiration of Senator Tom Harkin, who is here with me today, I directed all agencies of the United States government to make absolutely sure they are not buying any products made with abusive child labor.

But we must also act together. Today, the time has come to build on the growing world consensus to ban the most abusive forms of child labor—to join together and to say there are some things we cannot and will not tolerate.

We will not tolerate children being used in pornography and prostitution. We will not tolerate children in slavery or bondage. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well. (Applause.)

We thank you for achieving a true breakthrough for the children of the world. We thank the nations here represented who have made genuine progress in dealing with this issue in their own nations. You have written an important new chapter in our effort to honor our values and protect our children.

Passing this convention alone, however, will not solve the problem. We must also work aggressively to enforce it. And we must address root causes, the tangled pathology of poverty and hopelessness that leads to abusive child labor. Where that still exists it is simply not enough to close the factories where the worst child labor practices occur. We must also ensure that children then have access to schools and their parents have jobs. Otherwise, we may find children in even more abusive circumstances.

That is why the work of the International Program for the Elimination of Child Labor is so important. With the support of the United States, it is working in places around the world to get children out of the business of making fireworks, to help children move from their jobs as domestic servants, to take children from factories to schools.

Let me cite just one example of the success being achieved, the work being done to eliminate child labor from the soccer ball industry in Pakistan. Two years ago, thousands of children under the age of 14 worked for 50 companies stitching soccer balls full-time. The industry, the ILOS and UNICEF

joined together to remove children from the production of soccer balls and give them a chance to go to school, and to monitor the results.

Today, the work has been taken up by women in 80 poor villages in Pakistan, giving them new employment and their families new stabilities. Meanwhile, the children have started to go to school, so that when they come of age, they will be able to do better jobs raising the standard of living of their families, their villages and their nation. I thank all who were involved in this endeavor and ask others to follow their lead.

I am pleased that our administration has increased our support for IPEC by tenfold. I ask you to think what could be achieved by a full and focused international effort to eliminate the worst forms of child labor. Think of the children who would go to school, whose lives would open up, whose very health would flower, freed of the crushing burden of dangerous and demeaning work, given back those irreplaceable hours of childhood for learning and playing and living.

By giving life to core labor standards, by acting effectively to lift the burden of debt, by putting a more human face on the world trading system and the global economy, by ending the worst forms of child labor, we will be giving our children the 21st century they deserve.

These are hopeful times. Previous generations sought to redeem the rights of labor in a time of world war and organized tyranny. We have a chance to build a world more prosperous, more united, more humane than ever before. In so doing, we can fulfill the dreams of the ILO's founders, and redeem the struggles of those who fought and organized, who sacrificed and, yes, died—for freedom, equality, and justice in the workplace.

It is our great good fortune that in our time we have been given the golden opportunity to make the 21st century a period of abundance and achievement for all. Because we can do that, we must. It is a gift to our children worthy of the millennium.

Thank you very much. (Applause.)

Mr. HARKIN. One of the very important things he said in his speech was:

You have taken a vital step by adopting this new convention. We will do everything we can to join with you.

We will not tolerate children being used in pornography and prostitution.

We will not tolerate children in slavery or bondage.

We will not tolerate children being forcibly recruited to serve in armed conflicts.

We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

The President said:

I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well.

Mr. President, today I had delivered to every office a letter, a cover letter, and a copy of the new convention on the worst forms of child labor. It has all the information in here that Senators and their staffs would need to understand what that new convention is.

I did that because it is my intention to offer a sense-of-the-Senate resolution to the State Department authorization bill stating our support for this historic convention. I hope my colleagues will take the time to look at the material that I sent to their offices. I hope that we can all join together in a bipartisan effort to support this convention. This convention offers a brighter tomorrow for all of our world's children.

Yesterday, because I was in Geneva with the President for this very historic gathering and for this very historic speech by the President of the United States, I was necessarily absence from the Senate floor.

Had I been here, on the military construction appropriations bill, I would have voted yes.

Iowa is deeply saddened that I could not be here to vote on a bill for which I had worked for a long time with Senator KENNEDY and Senator JEFFORDS, and so many others. I am happy to see that it passed the Senate 99–0. Had I been here, it would have been 100–0; and that is the Workforce Incentives Act.

As the chief sponsor of the Americans with Disabilities Act, this was sort of one of the final building blocks of ensuring that people with disabilities not only have the right and the civil rights to go out and get jobs and work, but this bill provides them with the necessary support in the health care that they need. Too often, people with disabilities go out to get a job, and under the Americans with Disabilities Act they can get that job, but then they lose their health care. Because many of these jobs are low-paying, entry-level jobs, they simply cannot afford to take them. So I am really proud that the Senate, in a strong bipartisan fashion, passed the Workforce Incentives Act yesterday. Had I been here I would have of course voted yes.

On the lockbox provision that came up, again, I would have voted no on that because there were no amendments allowed. I feel very strongly that the provision, the loophole that I felt was in the bill, that said that this was only good until Social Security reform was passed, I do not believe was adequate enough. The question is, What reform are we talking about? I think we needed to define the reform before we voted for the lockbox.

On the energy and water appropriations, I would have supported that.

On the legislative branch appropriations, I would have voted yes on that had I been here.

I wanted to state for the RECORD why I was necessarily absent yesterday, and how I would have voted had I been here.

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

## WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. JEFFORDS. Mr. President, the time has come. Our friends with disabilities have waited patiently. Our bipartisan coalition has remained united. The last obstacles have been resolved. Assurances have been given. I am referring to yesterday's passage of the landmark legislation, S. 331, the Work Incentives Improvement Act of 1999.

When I came to Congress in January 1975, one of my legislative priorities was to provide access to the American dream for individuals with disabilities. It was not an easy task. I learned quickly that providing access for Americans with disabilities was complicated.

It involved providing access to education, it involved removing physical barriers, and it involved ensuring access to rehabilitation, job training, and job placement assistance. It required obtaining access to assistive technology and health care. Most importantly, access to the American dream for people with disabilities meant gaining the opportunity to choose and to participate in the full range of community activities. Moreover, it involved making sure that the federal government, along with other entities, be made to comply with laws affecting access for people with disabilities. We have made tremendous progress in the last 24 years.

The Individuals with Disabilities Education Act, the Rehabilitation Act, the Americans with Disabilities Act, and the Assistive Technology Act have changed, and will continue to change lives. Children with disabilities are being educated with their peers. No agency or individual, including the Federal Government, can discriminate against individuals on the basis of disability in employment, transportation, public accommodations, public services, or telecommunications. Job training and placement opportunities for individuals with disabilities are ever expanding because of the reforms we achieved in the Work Force Investment Act of 1998. I am proud of these accomplishments.

I began work on the Work Incentives Improvement Act more than 2 years ago. Since then, I have learned a great deal. I suspect the same holds true for the 79 other co-sponsors of this bill. S. 331 addresses a fundamental flaw in federal policy. Individuals with disabilities must choose between working or having health care. This is an absurd choice. Yet, current federal law forces individuals with disabilities to make this choice. People with disabilities want to work, and will work, if they are given access to health care. S. 331 does just that—it gives workers with disabilities access to appropriate health care—health care that is not readily available or affordable from the private sector. People with disabilities want to work, and will work, if they are given access to job training and job

placement assistance. S. 331 does just that—it gives individuals with disabilities training and help in securing a job.

Over the past several months, we have all received letters in support of S. 331. I would like to share one such story with you. Don is a 30 year-old man, who has mild mental retardation, cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part-time.

At the end of his letter, Don wrote:

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all, they will have a life in the community. We are adults. We want to work. We don't need a hand out, we need a hand up.

S. 331 will give Don and his friends a hand up. Doing so would be good for Don, and good for the nation.

Hard facts make a compelling case for S. 331:

The growth rate of Social Security disability programs between 1989 and 1997 was 64 percent.

Social Security disability cash payments grew from $34.4 billion in 1989 to $62.9 billion in 1997.

For 1997, GAO estimated weekly disbursements in cash payments to be $1.21 billion.

In my state of Vermont, 24,355 Social Security disability beneficiaries are waiting for S. 331 to become law. Nationally, that figure is 7.5 million. Under current law, if these people work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare. There are few if any private insurance options available to these individuals, so only one-half of one percent of the 7.5 million forgo cash payments and federally subsidized health care, and work without health insurance. Would any of us take that risk?

Let's take a closer look at some numbers. As I indicated, there are 7.5 million Social Security disability beneficiaries. Of those who work, very few make more than $500 a month. In fact, of working individuals with disabilities on Supplemental Security Income (SSI), only 17 percent make over $500 per month and only 10 percent make over $1000 per month. Another 29 percent make $65 or less per month.

Let's assume that S. 331 and the companion bill in the House, H.R. 1180 become law, and only 200 Social Security disability beneficiaries in each state work and forgo cash payments. That would be 10,000 individuals across the country out of the 7.5 million disability beneficiaries. The annual savings to the Federal Treasury in cash payments for just these 10,000 people out of 7.5 million would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher.

Clearly, the Work Incentives Improvement Act of 1999 is targeted, fiscally responsible legislation. It enables individuals with significant disabilities to enter the work force for the first time, re-enter the work force, or avoid leaving it in the first place.

These individuals will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue a career advancement. Individuals who need job training or job placement assistance will get it.

Private insurers will begin to have access to data that describes the health care-use patterns of workers with disabilities, and as a result, will be able to expand or develop appropriate health care packages for individuals with disabilities who work.

I would like to highlight a few of the health care provisions in S. 331. First, S. 331 allows states to expand Medicaid coverage to workers with disabilities and to require the workers, depending on their income, to pay a part or all of the premium for this coverage.

A state that elects to expand coverage receives a grant to support the design, establishment, and operation of infrastructures to support working individuals with disabilities.

The bill also includes a 6-year trial program that permits Social Security Disability Insurance (SSDI) beneficiaries to continue to receive Medicare coverage if they work.

Finally, the legislation includes a time-limited demonstration program allowing states to extend Medicaid coverage to workers who have a disability which, without access to health care, would become severe enough to qualify them for Social Security disability cash payments. This demonstration will produce important information on the cost effectiveness of early health care intervention in keeping people with disabilities from becoming too disabled to work.

S. 331 reflects what individuals with disabilities say they need. It was shaped by input across the philosophical spectrum. It was endorsed by the President in his State of the Union Address. And, it's companion bill H.R. 1180 has recently been reported out of the House Committee on Commerce with unanimous support.

The passage of S. 331 allows responsible change to federal policy and the elimination of a perverse dilemma for many Americans with disabilities—if you don't work, you get health care; if you do work, you don't get health care.

S. 331 is a vital link in making the American dream, an accessible dream, for Americans with disabilities.

Let me tell you about the dream of a young constituent of mine. Her name is Maria, and she faces many daily challenges as a result of her disabilities. She contacted my office to let me know that she is counting on S. 331 being signed into law. Maria is a junior majoring in Spanish at a college in Vermont. She plans to graduate next year, and hopes to attend graduate school to become a Spanish teacher for children and adults from Central and South America.

Maria has her whole life ahead of her. She has dreams, and she has contributions to make. Yesterday's passage of S. 331 made Maria's dreams possible. She will be able to pursue a career without fear of losing the health care she needs.

The enactment of S. 331 is our graduation present to Maria . . . and to the millions of other Americans with disabilities, who also want to work, a sign of our recognition of their right to contribute to the economic and social vibrancy of America.

In closing, I would like to thank my many colleagues who contributed to making yesterday, with a record vote of 99–0, a reality.

First, I must thank my bipartisan co-sponsors Senators KENNEDY, ROTH, and MOYNIHAN the original co-sponsors of this bill. Each of them made a commitment many months ago to work together to create a sound piece of legislation to address a real problem for millions of Americans with disabilities. Such commitment represents the best of what the Senate can accomplish when principle is placed above partisanship.

I also thank the additional, original 35 co-sponsors of this bill and the subsequent 45 co-sponsors who represent a total of over three quarters of this body, perhaps a Senate record on health care legislation. Together, we have come to understand the importance of health care and a job to individuals with disabilities. Sometimes the power of common sense and the voices of reason transcend politics and help us to forge new policy that will make America a better place for all of its citizens.

Over the last two weeks, the Majority Leader has been the driving force who urged us to work out policy differences that were delaying floor consideration. We did so through good faith efforts that broadened support for the bill and reduced its overall modest cost. In particular, I want to recognize Senators NICKLES, BUNNING, and GRAMM for their willingness to reach consensus with us on policy without compromising the integrity of the legislation, thus, allowing S. 331 to move forward.

I must strongly thank the over two hundred national organizations that offered time, energy, and ideas to create and support a bill that will improve the quality of life for millions of Americans with disabilities who want to work.

And finally, I would like to thank several individuals and groups who have contributed to the development and to the Senate passage of this legislation. In particular, I would like to thank my staff including Patricia Morrissey, Mark Powden, Paul Harrington, Lu Zeph, Erik Smulson, Joe Karpinski, Leah Menzies, Chris Crowley and the many others who worked long and hard to bring this bill about.

Additionally, I would like to recognize and thank the staff members of the three other primary co-sponsors who took the lead in their offices: Connie Garner from Senator KENNEDY's

Staff, Jennifer Baxendell and Alec Vachon from Senator ROTH's staff, and Kristen Testa from Senator MOYNIHAN's staff.

In addition to staff, I would like to recognize the contributions of the Work Incentives Task Force of the Consortium for Citizens with Disabilities who met weekly with staff for over a year to build the consensus necessary to get us here today.

Thank you, Mr. President.

## OBJECTIONABLE PROVISIONS IN S. 1186, ENERGY AND WATER APPROPRIATIONS FOR FY 2000

Mr. MCCAIN. Mr. President, the energy and water appropriations bill is fundamental to our Nation's energy and defense-related activities, and takes care of vitally important water resources infrastructure needs. Unfortunately, this bill diverts from its intended purpose by including a multitude of additional, unrequested earmarks to the tune of $531 million.

This amount is substantially less than the earmarks included in the FY '99 appropriations bill and I commend my colleagues on the Appropriations Committee for their hard work in putting this bill together. In fact, this year's recommendation is about 60 percent lower than the earmarks included in last year's appropriation bill. My optimism was raised upon reading the committee report which states that the Committee is ''reducing the number of projects with lower priority benefits.'' Unfortunately, while the Committee attempts to be more fiscally responsible, there is a continuing focus on parochial, special interest concerns.

Funding is provided in this bill for projects where it is very difficult to ascertain their overall importance to the security and infrastructure of our nation.

Let me highlight a few examples:

$3,000,000 is provided for an ethanol pilot plant at Southern Illinois University; $300,000 is provided to the Vermont Agriculture Methane project; $400,000 is included for aquatic weed control at Lake Champlain in Vermont, and, $100,000 in additional funding for mosquito control in North Dakota.

How are these activities connected to the vital energy and water resource needs of our nation? Why are these projects higher in priority than other flood control, water conservation or renewable energy projects? These are the type of funding improprieties that make a mockery of our budget process.

Various projects are provided with additional funding at levels higher than requested by the Administration. The stated reasons include the desire to finish some projects in a reasonable timeframe. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the Administration's request, which is responsible for carrying out these projects, and the views of the Appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Another $92 million above the budget request is earmarked in additional funding for regional power authorities. I fail to understand why we continue to spend millions of federal dollars at a time when power authorities are increasingly operating independent of federal assistance. Even the Bonneville Power Administration, one of these power entities, is self-financed and operates without substantial federal assistance.

We must stop this practice of wasteful spending. It is unconscionable to repeatedly ask the taxpayers to foot the bill for these biased actions. We must work harder to focus our limited resources on those areas of greatest need nationwide, not political clout.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need. Indeed, I commend my colleagues for not including any projects which are unauthorized. However, there are still too many cases of erroneous earmarks for projects that we have no way of knowing whether, at best, all or part of this $531 million should have been spent on different projects with greater need or, at worst, should not have been spent at all.

I supported passage of this bill, but let me state for the record that this is not the honorable way to carry out our fiscal responsibilities.

Mr. President, I ask unanimous consent that this list of objectionable provisions in S. 1186 and its accompanying Senate report be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN S. 1186—FY 2000 ENERGY AND WATER APPROPRIATIONS BILL

BILL LANGUAGE

*Department of Defense, Army Corps of Engineers*

General Investigations

Earmark of $226,000 for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey.

General Construction

Earmark of $2,200,000 to Norco Bluffs, California.

Earmark of $3,000,000 to Indianapolis Central Waterfront, Indiana.

Earmark of $1,000,000 to Ohio River Flood Protection, Indiana.

Earmark of $800,000 to Jackson County, Mississippi.

Earmark of $17,000,000 to Virginia Beach, Virginia (Hurricane Protection).

An additional $4,400,000 to Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia.

Earmark of $2,000,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, is directed to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi.

Earmark of $200,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate a Detailed Project Report for the Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky, project.

An additional $35,630,000 above the budget request to flood control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Power Marketing Administrations

$39,594,000 restored to the Southeastern Power Administration above the budget request.

An additional $60,000 above budget request for operation and maintenance at Southwestern Power Administration.

An additional $52,084,000 above the budget request for Western Area Power Administration.

Independent Agencies

An additional $5,000,000 above the budget request is provided for the Appalachian Regional Commission.

An amount of $25,000,000 above the budget request is provided for the Denali Commission.

General Provisions

Language which stipulates all equipment and products purchased with funds made available in this Act should be American-made.

REPORT LANGUAGE

*Department of Defense, Army Corps of Engineers*

General Investigations

Earmark of $100,000 to the Barrow Coastal Storm Damage Reduction, AK.

Earmark of $100,000 to Chandalrr River Watershed, AK.

Earmark of $100,000 to Gastineau Channel, Juneau, AK.

Earmark of $100,000 to Skagway Harbor, AK.

Earmark of $150,000 to Rio De Flag, Flagstaff, AZ.

Earmark of $250,000 to North Little Rock, Dark Hollow, AR.

Earmark of $250,000 to Llagas Creek, CA.

An additional $450,000 to Tule River, CA.

An additional $450,000 to Yuba River Basin, CA.

Earmark of $250,000 to Bethany Beach, South Bethany, DE.

Earmark of $100,000 to Lake Worth Inlet, Palm Beach County, FL.

Earmark of $100,000 to Mile Point, Jacksonville, FL.

An additional $170,000 to Metro Atlanta Watershed, GA.

Earmark of $100,000 to Kawaihae Deep Draft Harbor, HI.

Earmark of $100,000 to Kootenai River at Bonners Ferry, ID.

Earmark of $100,000 to Little Wood River, ID.

Earmark of $100,000 to Mississinewa River, Marion, IN.

Earmark of $100,000 to Calcasieu River Basin, LA.

Earmark of $500,000 to Louisiana Coastal Area, LA.

Earmark of $100,000 to St. Bernard Parish, LA.

Earmark of $100,000 to Detroit River Environmental Dredging, MI.

Earmark of $400,000 to Sault Ste. Marie, MI.

An additional $400,000 to Lower Las Vegas Wash Wetlands, NV.

Earmark of $75,000 to Truckee Meadows, NV.

Earmark of $200,000 to North Las Cruces, NM.

Earmark of $100,000 to Lower Roanoke River, NC and VA.

Earmark of $300,000 to Corpus Christi Ship Channel, Laquinta Channel, TX.

Earmark of $200,000 to Gulf Intracoastal Waterway Modification, TX.

Earmark of $100,000 to John H. Kerr, VA and NC.

Earmark of $100,000 to Lower Rappahannock River Basin, VA.

Earmark of $500,000 to Lower Mud River, WV.

Earmark of $400,000 to Island Creek, Logan, WV.

Earmark of $100,000 to Wheeling Waterfront, WV.

Language which directs the Corps of Engineers to work with the city of Laurel, MT to provide appropriate assistance to ensure reliability in the city's Yellowstone River water source.

Construction

An additional $1,200,000 to Cook Inlet, AK.

An additional $900,000 to St. Paul Harbor, AK.

An additional $13,000,000 to Montgomery Point Lock and Dam, AR.

An additional $8,000,000 to Los Angeles County Drainage Area, CA.

Earmark of $500,000 to Fort Pierce Beach, FL.

Earmark of $500,000 to Lake Worth Sand Transfer Plant, FL.

An additional $2,000,000 to Chicago Shoreline, IL.

An additional $10,000,000 to Olmstead Locks and Dam, Ohio River, IL and KY.

An additional $2,000,000 to Kentucky Lock and Dam, Tennessee River, KY.

An additional $2,000,000 to Inner Harbor Navigation Canal Lock, LA.

An additional $5,000,000 to Lake Pontchartrain and Vicinity, LA.

An additional $1,000,000 to West Bank Vicinity of New Orleans, LA.

An additional $2,500,000 to Poplar Island, MD.

Earmark of $250,000 to Clinton River, MI Spillway.

Earmark of $100,000 to Lake Michigan Center.

Earmark of $1,100,000 to St. Croix River, Stillwater, MN.

An additional $5,000,000 to Blue River Channel, Kansas City, MO.

An additional $1,000,000 to Missouri National Recreational River, NE and SD.

An additional $8,900,000 to Tropicana and Flamingo Washes, NV.

Earmark of $250,000 to Passaic River, Minish Waterfront Park, NJ.

Earmark of $750,000 to New York Harbor Collection and Removal of Drift, NY & NJ.

An additional $4,000,000 to West Columbus, OH.

An additional $90,000 to the Lower Columbia River Basin Bank Protection, OR and WA.

An additional $10,000,000 to Locks and Dams 2, 3 and 4, Monongahela River, PA.

An additional $1,000,000 to Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.

Earmark of $1,000,000 to James River Restoration, SD.

Earmark of $1,000,000 to Black Fox, Murfree Springs, and Oakland Wetlands, TN.

Earmark of $1,000,000 to Tennessee River, Hamilton County, TN.

Earmark of $800,000 to Greenbrier River Basin, WV.

Earmark of $1,000,000 to Lafarge Lake, Kickapoo River, WI.

Earmark of $400,000 for aquatic weed control at Lake Champlain in Vermont.

An additional $960,000 for various earmarks under Section 107, Small Navigation Project.

An additional $5,675,000 for various earmarks under Section 205, Small flood control projects.

An additional $1,760,000 for various earmarks under Section 206, Aquatic ecosystem restoration.

An additional $1,500,000 for various earmarks under Section 1135, Projects Modifications for improvement of the environment.

An additional $12,500,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

An additional $500,000 to St. Francis Basin, Arkansas and Missouri.

An additional $2,000,000 for the Louisiana State Penitentiary Levee, Louisiana.

An additional $500,000 for Backwater Pump, Mississippi.

An additional $585,000 for the Big Sunflower River, Mississippi.

An additional $5,000,000 for Demonstration Erosion Control, Mississippi.

An additional $2,000,000 for the St. Johns Bayou and New Madrid Floodway, Missouri.

An additional $2,764,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

An additional $1,500,000 for the St. Francis River Basin, Arkansas and Missouri.

An additional $2,250,000 for the Atchafalaya Basin, Louisiana.

An additional $1,000,000 for Arkabutla Lake, Missouri.

An additional $1,000,000 for End Lake, Missouri.

An additional $1,000,000 for Grenada Lake, Mississippi.

An additional $1,000,000 for Sardis Lake, Mississippi.

An additional $31,000 for Tributaries, Mississippi.

*Corps of Engineers—Operation and Maintenance, General*

An additional $2,000,000 for Mobile Harbor, Alabama.

Earmark of $1,000,000 for Lowell Creek Tunnel (Seward), Arkansas.

An additional $1,500,000 for Mississippi River between Missouri River and Minneapolis, Illinois, Indiana, Minnesota, Missouri.

An additional $525,000 for John Redmond Dam and Reservoir, Kansas.

An additional $2,000,000 for Red River Waterway, Mississippi River to Shreveport, Louisiana.

Earmark of $250,000 for Missouri National River.

An additional $35,000 for Little River Harbor, New Hampshire.

Earmark of $20,000 for Portsmouth Harbor, Piscataqua River, New Hampshire.

An additional $1,500,000 for Delaware River Philadelphia to the Sea, New Jersey, Pennsylvania and Delaware.

Earmark of $800,000 for Upper Rio Grande Water Operations Model.

An additional $100,000 for Garrison Dam, Lake Sakakawea, North Dakota.

An additional $500,000 for Oologah Lake, Oklahoma.

An additional $2,300,000 for Columbia and Lower Willamette River Below Vancouver, Washington and Portland.

An additional $50,000 for Port Orford, Oregon.

Earmark $400,000 for Corpus Christi Ship Channel, Barge Lanes, Texas.

An additional $1,140,000 for Burlington Harbor Breakwater, Vermont.

An additional $3,000,000 for Grays Harbor and Chehalis River, Washington.

Language which directs the Army Corps of Engineers to address maintenance at Humboldt Harbor, CA; additional maintenance dredging of the Intracoastal Waterway in South Carolina from Georgetown to Little River, and from Port Royal to Little River; dredging at the entrance channel at Murrells Inlet, SC; additional dredging for the Lower Winyah Bay and Gorge in Georgetown Harbor, SC.

*Bureau of Reclamation—Water and Related Resources*

Earmark of $5,000,000 for Headgate Rock Hydroelectric Project.

An additional $1,500,000 for Central Valley Project: Sacramento River Division.

Earmark of $250,000 for Fort Hall Indian Reservation.

Earmark of $4,000,000 for Rock Peck Rural Water System, Montana.

Earmark of $2,000,000 for Lake Mead and Las Vegas Wash.

Earmark of $1,500,000 for Newlands Water Right Fund.

Earmark of $800,000 for Truckee River Operation Agreement.

Earmark of $400,000 for Walker River Basin Project.

An additional $2,000,000 for Middle Rio Grande Project.

Earmark of $300,000 for Navajo-Gallup Water Supply Project.

Earmark of $750,000 for Santa Fe Water Reclamation and Reuse.

Earmark of $250,000 for Ute Reservoir Pipeline Project.

An additional $2,000,000 for Garrison Diversion Unit, P–SMBP

Earmark of $400,000 for Tumalo Irrigation District, Bend Feed Canal, Oregon.

An additional $2,000,000 for Mid-Dakota Rural Water Project

Earmark of $600,000 for Tooele Wastewater Reuse Project.

*Department of Energy*

Earmark of $1,000,000 is for the continuation of biomass research at the Energy and Environmental Research Center.

Earmark of $5,000,000 for the McNeil biomass plant in Burlington, Vermont.

Earmark of $300,000 for the Vermont Agriculture Methane project.

Earmark of $2,000,000 for continued research in environmental and renewable resource technologies by the Michigan Biotechnology Institute.

Earmark of $500,000 for the University of Louisville to research the commercial viability of refinery construction for the production of P-series fuels.

No less than 3,000,000 for the ethanol pilot plant at Southern Illinois University at Edwardsville.

Earmark of $250,000 for the investigation of simultaneous production of carbon dioxide and hydrogen at the natural gas reforming facility in Nevada.

Earmark of $350,000 for the Montana Trade Port Authority in Billings Montana.

Earmark of $250,000 for the gasification of Iowa switchgrass and its use in fuel cells.

Earmark of $1,000,000 to complete the 4 megawatt Sitka, Alaska project.

Earmark of $1,700,000 for the Power Creek hydroelectric project.

Earmark of $1,000,000 for the Kotzebue wind project.

Earmark of $300,000 for the Old Harbor hydroelectric project.

Earmark of $1,000,000 for a demonstration associated with the planned upgrade of the Nevada Test Site power substations of distributed power generation technologies.

Earmark of $3,000,000 for the University of Nevada at Reno Earthquake Engineering Facility.

An additional $35,000,000 to initiate a new strategy (which includes $5,000,000 for activities at Lawrence Livermore National Laboratory, $10,000,000 for Los Alamos National Laboratory, and $20,000,000 for work at Sandia National Laboratory).

An additional $15,000,000 for the Nevada Test Site.

An additional $15,000,000 for future requirements at the Kansas City Plant compatible with the Advanced Development and Production Technologies [ADAPT] program and Enhanced Surveillance program.

An additional $10,000,000 for core stockpile management weapon activities to support work load requirements at the Pantex plant in Amarillo, Texas.

An additional $10,000,000 to address funding shortfalls in meeting environmental restoration Tri-Party Agreement compliance deadlines, and to accelerate interim safe storage of reactors along the Columbia River.

An additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement with the Department of Energy.

An additional $30,000,000 for tank cleanup activities at the Hanford Site, WA.

An additional $20,000,000 to Rocky Flats site, CO.

Total amount of Earmarks: $531,124,000.

## FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I rise today to congratulate the chairman and ranking member of the Energy and Water Appropriations Subcommittee, Senators DOMENICI and REID, for the extraordinary work they have accomplished in bringing the FY2000 energy and water appropriations bill to the floor. While this bill funds a number of vastly important national security and economic development programs and initiatives, until this year it has been relatively non-controversial, in part because of the hard work of my colleagues, Senators DOMENICI and REID.

This year, however, they have had to operate under more difficult circumstances. They have had to fashion a bill from extremely limited resources. As reported by the Appropriations Committee, the bill provides $21.2 billion in new budget authority—$12.6 billion within defense activities and $8.6 billion within nondefense. In the defense accounts, that represents a $220 million increase over the President's budget request. In the nondefense accounts, however, it represents a reduction of $608 million from the request. This includes decreases in funding for critical water projects.

As the distinguished chairman of the subcommittee noted in his opening remarks on Monday, this is the first time in his memory—and he has been here many years longer than this Senator from North Dakota—that less funding for water projects is provided than requested in the budget. This is a worrisome situation for many important and worthwhile flood control and other projects in the coming year, but that is also a situation forced upon this subcommittee, indeed on most subcommittees, by the allocations received as a result of staying within the budget caps.

He also noted that he was unable to accommodate all of the funding requests of the members of this body. That was the case with this Senator, but I do want to note that he and his distinguished ranking member were able to fund a number of important flood control and water development projects in my home state of North Dakota.

For instance, as the city of Grand Forks continues its recovery from the devastating 1997 floods of the Red River, the city and State have developed a plan to reconstruct flood control dikes to protect the cities of Grand Forks, ND, and East Grand Forks, MN, from future floods. The city and State are matching Federal funds for this project, but this bill provides $9 million in federal funds for initial construction.

It also funds the President's request of $27 million for the Garrison Diversion project as well as over $2 million in additional funds requested by me and Senator CONRAD for unmet water supply needs on our Indian reservations. The tribes have already reached their funding ceiling under existing authority for these needs and the Bureau of Reclamation has documented over $200 million in critical unmet water development needs on three reservations. These funds will begin to make a dent in these needs.

I am also pleased that the bill recommends $1 million for the Energy and Environmental Research Center, EERC, to conduct research relating to the integration of biomass with fossil fuels in conventional power systems to increase busload renewable electricity generation; development of practical methods for using biomass in advanced power systems; and improvement of efficiency and environmental performance in agricultural processing and forest-based product industries producing food, fiber, and chemicals. These funds will build upon the exciting research already being conducted at the nationally recognized EERC in Grand Forks.

The bill funds the President's request of $5 million to purchase of easements and compensate landowners who in the Buford-Trenton area are unable to farm as a result of flooding and high water tables caused by siltation upriver from the Garrison Dam. In 1998, more than 1000 acres remained under water and represented an economic loss to the farmers and others in this area of hundreds of thousands of dollars. This year, the water level is higher and only continues to grow. This is a Federal responsibility and one which is only beginning to be met. The project was authorized in the 1996 Water Development Act at $34 million and this represents continued progress for buying easements from willing sellers.

Finally, I appreciate the subcommittee's support for an amendment offered by me and Senator CONRAD to add $50,000 for a reevaluation study of the Grafton dikes project by the Army Corps of Engineers. Because the project was de-authorized, this report is needed. While not reauthorizing the project, these funds will help us jump start the process once the project is reauthorized.

Our water supply and flood control needs in North Dakota are many and growing. Not all of our requested needs are met by this bill, but this is a good bill and one I can support. I thank Chairman DOMENICI and Ranking Member REID for their support and look forward to working with them in conference.

I yield the floor.

## FISCAL YEAR 2000 MILITARY CONSTRUCTION APPROPRIATIONS BILL

Mr. TORRICELLI. Mr. President, I rise today in strong support of the FY 2000 Military Construction Appropriations Bill. This legislation demonstrates a considerable investment in our military's infrastructure, and a strong commitment to improving the quality of life of our soldiers that will go a long way toward achieving retention and recruiting goals. I especially thank and acknowledge the efforts of the distinguished chairman of the Appropriations Committee, Senator STEVENS, the distinguished ranking member of the Appropriations Committee Senator BYRD, the chairman of the Military Construction Subcommittee, Senator BURNS, and ranking member, Senator MURRAY.

I am particularly pleased that the committee included $1.9 million for the Armament Software Engineering Center, ASEC, at Picatinny Arsenal in my home State of New Jersey. Throughout our Nation's history, Picatinny Arsenal has provided our men and women with the high-technology weapons that have helped achieve our military victories. The new ASEC will consolidate many of the Arsenal's operations, thus enhancing Picatinny's capability to test and upgrade ''smart'' weapons. In 1998, the Senate supported ASEC by providing funds for the initial design, but unfortunately, the Army has not yet moved forward with the project. I am pleased by the Senate's renewed support of the Center, and look foward to working with the Subcommittee and the Army to ensure that this state-of-the-art facility becomes a reality.

I also express my support for the committee's inclusion of $11.8 million to modernize several facilities at the United States Military Academy Preparatory School, USMAPS, at Fort Monmouth. Currently, the cadets attending USMAPs are housed in substandard facilities which have not been modernized since 1979. This funding will provide for much needed improvements that will allow USMAPS to continue training cadets for the Army and admittance into the U.S. Military Academy at West Point.

I am extremely pleased by the Senate's support of the ACFT/Platform Interface Lab, API Lab, at the Lakehurst Naval Air Warfare Center. The inclusion of $15.71 million for this project will allow for the consolidation of 14 labs and 5 different 40–70 year old facilities to build the new modern API lab. The consolidation of these facilities in one location will result in greater productivity and efficiency, and an increased ability for Lakehurst to fulfill its mission of ensuring our military's aircraft can take off and land safely from all Navy ships.

I thank the committee for supporting several projects at two other critical bases in my State. First, the $5.6 million provided for the Centralized Tactical Vehicle Wash Facility at Fort Dix will increase our ability to prepare military vehicles for missions overseas. Second, the funding for a Consolidated Aircraft Maintenance Hangar, Visiting Quarters and additional units of housing at McGuire Air Force Base will improve the standard of living and increase productivity throughout the base.

Finally, while I am supportive of the projects included in this legislation, I look forward to working with the community to identify additional funding for another important project that was not included in the bill. This project, the National Guard Bureau Training and Training Technology Battle Lab, T3BL, at Fort Dix, will allow the Army National Guard to conduct cutting edge training through the application and use of critical training, aides, devices, simulators, and simulation. Currently, $9.5 million is needed to begin the second phase construction of the lab.

Mr. President, I again thank the distinguished chairman, Ranking Member BYRD, Chairman BURNS, and Ranking Member MURRAY for their commitment and attention to these important issues.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 16, 1999, the federal debt stood at $5,581,245,428,829.42 (Five trillion, five hundred eighty-one billion, two hundred forty-five million, four hundred twenty-eight thousand, eight hundred twenty-nine dollars and forty-two cents).

One year ago, June 16, 1998, the federal debt stood at $5,489,044,000,000 (Five trillion, four hundred eighty-nine billion, forty-four million).

Five years ago, June 16, 1994, the federal debt stood at $4,592,643,000,000 (Four trillion, five hundred ninety-two billion, six hundred forty-three million).

Ten years ago, June 16, 1989, the federal debt stood at $2,783,200,000,000 (Two trillion, seven hundred eighty-three billion, two hundred million) which reflects a debt increase of almost $3 trillion—$2,798,045,428,829.42 (Two trillion, seven hundred ninety-eight billion, forty-five million, four hundred twenty-eight thousand, eight hundred twenty-nine dollars and forty-two cents) during the past 10 years.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## 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–3750. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3751. A communication from the Executive Director, Governmental Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report for calendar years 1997 and 1998; to the Committee on the Judiciary.

EC–3752. A communication from the Under Secretary, Oceans and Atmosphere, Department of Commerce, transmitting, a report relative to the 1997–98 El Niño event; to the Committee on Commerce, Science, and Transportation.

EC–3753. A communication from the Executive Director, National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–3754. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed manufacturing license for Japan; to the Committee on Foreign Relations.

EC–3755. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed manufacturing license for Portugal; to the Committee on Foreign Relations.

EC–3756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed export license for Egypt; to the Committee on Foreign Relations.

EC–3757. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Office of Child Support Enforcement for fiscal year 1997; to the Committee on Finance.

EC–3758. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 99–28, relative to the People's Republic of China; to the Committee on Finance.

EC–3759. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Department of the Treasury; to the Committee on Finance.

EC–3760. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–3761. A communication from the Chairman, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3762. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3763. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3764. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3765. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999, and the management response; to the Committee on Governmental Affairs.

EC–3766. A communication from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting, pursuant to law, the statement on internal controls and the audited financial statement for calendar year 1998; to the Committee on Governmental Affairs.

EC–3767. A communication from the Executive Director, District of Columbia Financial Responsibility and Manangement Assistance Authority, transmitting, pursuant to law, the Finanial Plan and Budget for the District of Columbia for fiscal year 2000; to the Committee on Governmental Affairs.

EC–3768. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Design and Fabrication Code Case Acceptability—ASME Section III, Division 1'' (Regulatory Guide 1.84, Revision 31), received June 16, 1999; to the Committee on Environment and Public Works.

EC–3769. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Materials Code Case Acceptability—ASME Section III, Division 1'' (Regulatory Guide 1.85, Revision 31), received June 16, 1999; to the Committee on Environment and Public Works.

EC–3770. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Inservice Inspection Code Case Acceptability—ASME Section XI, Division 1'' (Regulatory Guide 1.147, Revision 12), received June 16,

1999; to the Committee on Environment and Public Works.

EC–3771. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Laboratory Testing of Nuclear-Grade Activated Charcoal'' (NRC Generic Letter 99–02), received June 16, 1999; to the Committee on Environment and Public Works.

EC–3772. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; 100% Fee Recovery: FY–1999'' (RIN3150–AG08), received June 16, 1999; to the Committee on Environment and Public Works.

EC–3773. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant 'Eriogonum apricum' (inclusive of varieties 'apricum' and 'prostratum')—(Ione Buckwheat) and Threatened Status for the Plant 'Arctostaphylos myrtifolia'—(Ione Manzanita)'' (RIN1018–AE25), received June 4, 1999; to the Committee on Environment and Public Works.

EC–3774. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Special Canada Goose Permit'' (RIN1018–AE46), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3775. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL #6361–8), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3776. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL #6361–9), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3777. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Solid Waste Programs; Management Guidelines for Beverage Containers; Removal of Obsolete Guidelines'' (FRL #6362–4), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3778. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District'' (FRL #6363–2), received June 15, 1999; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions'' (FRL #6363–5), received June 15, 1999; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Approval and Promulgation of Implementation Plans; Oregon, Correction of Effective Date Under CRA'' (FRL #6363–6), received June 15, 1999; to the Committee on Environment and Public Works.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–197. A petition from the Attorney General of the State of South Carolina relative to a proposed interstate compact between Georgia and South Carolina; to the Committee on the Judiciary.

POM–198. A resolution adopted by the Board of Commissioners, McNairy County, Tennessee relative to prayer in schools; to the Committee on the Judiciary.

POM–199. A petition from a citizen of the State of Texas relative to redress of grievances; to the Committee on the Judiciary.

POM–200. A petition from a citizen of the State of Texas relative to redress of grievances; to the Committee on the Judiciary.

POM–201. A petition from a citizen of the State of Mississippi relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM–202. A petition from a citizen of the State of Mississippi relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM–203. A joint resolution adopted by the Legislature of the State of Nevada relative to Social Security; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 12

Whereas, The Social Security system provides benefits to 44 million Americans, including over 27 millions retirees, 4½ million people with disabilities, almost 4 million surviving children and over 8 million surviving adults, and is essential to the dignity and security of a large number of the residents of this country; and

Whereas, The Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the ''total income'' of the Social Security system ''is estimated to fall short of expenditures beginning in 2019 and in each year thereafter . . . until [trust fund] assets are exhausted in 2029''; and

Whereas, Intergenerational fairness, honest accounting principles, prudent budgeting and sound economic policy all require saving Social Security to ensure that our country may better afford the demands placed on Social Security upon the retirement of the ''baby boomer'' generation beginning in 2010; and

Whereas, If efforts were expended to save the Social Security system, the national savings would be expanded, interest rates would be reduced, private investments would be enhanced, labor productivity would increase and the economy of this country would grow; and

Whereas, The Social Security system produces an annual surplus that is invested in government bonds and the United States Department of Treasury currently borrows the ''surplus,'' which is projected to approach $100 billion dollars by the end of 1999, and spends this money on programs that are unrelated to Social Security; and

Whereas, The United States House of Representatives introduced a bill into Congress 1 year ago, designated H.R. 3207, that would have created the ''Save Social Security First Reserve Fund'' into which the Secretary of the Treasury would be required to deposit budget surpluses pending Social Security reform; and

Whereas, This bill was referred to the Subcommittee on Social Security on February 19, 1998, but died in committee; and

Whereas, Similar bills have been introduced to protect the Social Security system, but to date none have been acted upon; now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, Jointly,* Taht the members of the 70th session of the Nevada Legislature hereby urge the Federal Government to invest all surplus money from Federal Old-Age and Survivors Insurance for the benefit of the Social Security system; and be it further

*Resolved,* that such investments must be in public debt securities with suitable maturities and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities; and be it further

*Resolved,* That the income on such investments must be credited to and form a part of the fund for use in the future; and be it further

*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage and approval.

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POM–204. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to food quality protection; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 132

Whereas, the safe, responsible use of pesticides for agricultural, food safety, structural, public health, environmental, and other purposes has significantly advanced the overall welfare of Hawaii's citizens and the environment; and

Whereas, the 1996 Food Quality Protection Act (FQPA) establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

Whereas, the FQPA requires the U.S. Environmental Protection Agency (USEPA) to ensure that all pesticide tolerances meet these new standards by reassessing one-third of the 9,700 current pesticide tolerances by August 1999, and all current tolerances in ten years; and

Whereas, risk determinations based on sound science and reliable real-world data are essential for accurate decisions, and the best way for USEPA to obtain this data is to require its development and submission by the registrants through the data call-in process; and

Whereas, risk determinations made in the absence of reliable, science-based information is expected to result in the needless loss of pesticides and certain uses of other pesticides; and

Whereas, the needless loss of pesticides and certain pesticide uses will result in fewer pest control options for Hawaii and would be

harmful to the economy of Hawaii by jeopardizing agriculture, one of the few industries that has shown great strength during the recent years of the State's flat economy, and fewer pest control options for urban and suburban uses that will result in significant loss of personal property and increased human health concerns; and

Whereas, the needless loss of pesticides will jeopardize the ability of the state and county governments to protect public health and safety on public property and to protect our natural environmental resources, for example, from aggressive alien species; and

Whereas, the flawed implementation of the FQPA is likely to result in significant increases in food costs to consumers, thereby putting the nutritional needs of children, the poor, and the elderly at unnecessary risk; and

Whereas, the Clinton administration has directed the USEPA and the U.S. Department of Agriculture to work jointly toward implementing the FQPA in a manner that assures that our children will be adequately protected and that risk determinations related to pesticide tolerances and registrations will be based on accurate, science-based information; and

Whereas, the cost of developing data to quantify real-world risk is prohibitive and minor use data may not be financed by pesticide registrants and the State and pesticide users may fund studies to support minor users; now, therefore, be it

*Resolved* by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the House of Representatives concurring, that the Legislature of the State of Hawaii does hereby respectfully request that the U.S. Congress direct the Administrator of the U.S. Environmental Protection Agency to:

(1) Initiate rulemaking to ensure that the policies and standards it intends to apply in evaluating pesticide tolerances and making realistic risk determinations are based on accurate information, real-world data available through the data call-in process, and sound science, and are subject to adequate public notice and comment before it issues final pesticide tolerance determinations;

(2) Provide interested persons the opportunity to produce data needed to evaluate pesticide tolerances so that USEPA can avoid making faulty final pesticide tolerance determinations based upon unrealistic default assumptions;

(3) Implement the FQPA in a manner that will not adversely disrupt agricultural production nor adversely affect the availability, diversity of the food supply, nor jeopardize the public health or environmental quality through the needless reassessment of pesticide tolerances for non-agricultural activities; and

(4) Delay the August 1999, deadline until 2001 or until the USEPA, USDA, industry leaders and manufacturers can provide science-based data as to use, application, and residue of the pesticides under review; and be it further

*Resvolved,* That the Legislature of the State of Hawaii respectfully requests that pesticide registrants and the U.S. Environmental Protection Agency support minor use registrations by reserving a meaningful portion of the risks projected from the use of a pesticide or a class of pesticides for minor uses; and be it further

*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the Speaker of the U.S. House of Representatives, President of the U.S. Senate, members of Hawaii's congressional delegation, the Administrator of the USEPA, the Secretary of the U.S. Department of Agriculture, the Governor of Hawaii, the American Crop Protection Association, the American Farm Bureau Federation, and Responsible Industry for a Sound Environment.

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POM–205. A resolution adopted by the House of the Legislature of the State of Hawaii relative to The United Nations Children's Fund; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 219

Whereas, a forum is needed to follow up on the recommendations of the Millennium Young People's Congress to be held in October 1999; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and rights of children are the basic foundations that must be established for all children and youth; and

Whereas, Hawaii's location in the middle of the Pacific Rim provides an excellent and strategic location for the meeting place to follow up on the recommendations of the Millennium Young People's Congress, to discuss the health, welfare, and rights of children as basic foundations for all children and youth, and to research pertinent issues and alternatives concerning children and youth and propose viable models for societal application; now, therefore, be it

*Resolved,* by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, that the United Nations Children's Fund (UNICEF) is respectfully requested to establish a center for the health, welfare, and rights of children and youth in Hawaii and support for the center is respectfully requested from the President of the United States and Congress; and be it further

*Resolved,* That certified copies of this Resolution be transmitted to the Secretary General of the United Nations Children's Fund, the President of the UNICEF Executive Board, the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

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POM–206. A concurrent resolution of the Legislature of the State of Hawaii relative to the nomination of the Chief of Staff, U.S. Army; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 56

Whereas, on April 21, 1999, General Shinseki was nominated by President Clinton to become Chief of Staff of the United States Army; and

Whereas, General Eric Shinseki was born in Lihue, Hawaii, graduated from Kauai High School in 1961, and is a graduate of the U.S. Military Academy at West Point and Duke University; and

Whereas, General Shinseki currently serves as the Vice-Chief of Staff of the United States Army and is also the first Asian-American four-star general having received his fourth star in August of 1997 when he became commanding general of all U.S. Army forces in Europe and was head of the stabilization force in Bosnia-Herzegovina; and

Whereas, General Shinseki's awards and decorations include the Distinguished Service Medal, Legion of Merit, Bronze Star, Purple Heart, and Meritorious Service Medal; now, therefore, be it

*Resolved* by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, that the United States Senate is urged to confirm the nomination of General Eric Shinseki as Chief of Staff of the United States Army; and be it further

*Resolved,* That a certified copy of this Concurrent Resolution be transmitted to the President of the United States Senate, to Senator Daniel K. Inouye, and to Senator Daniel K. Akaka.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000'' (Rept. No. 106–79).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 1233: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–80).

By Mr. MCCONNELL, from the Committee on Appropriations, without amendment:

S. 1234: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–81).

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 326: A bill to improve the access and choice of patients to quality, affordable health care (Rept. No. 106–82).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 692: A bill to prohibit Internet gambling, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. DURBIN, and Mr. GRASSLEY):

S. 1231. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 1232. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

By Mr. COCHRAN:

S. 1233. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 1234. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. BIDEN, Mr. DEWINE, and Mr. SCHUMER):

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 1236. A bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 1237. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

By Mr. HUTCHINSON (for himself and Mr. WELLSTONE):

S. 1238. A bill to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses of certain former prisoners of war dying with a service-connected disability related totally disabling at the time of death; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. BINGAMAN, Mr. INOUYE, Mr. INHOFE, Mr. BURNS, Mr. BAUCUS, Mr. CRAPO, Mr. CRAIG, and Mrs. FEINSTEIN):

S. 1239. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. COCHRAN, Mr. HUTCHINSON, Ms. COLLINS, Mrs. LINCOLN, Mr. SHELBY, Ms. SNOWE, Mrs. MURRAY, Mr. SESSIONS, Mr. SMITH of Oregon, Mrs. HUTCHISON, Mr. GRAMS, and Ms. LANDRIEU):

S. 1240. A bill to amend the Internal Revenue Code of 1986 to provide a partial inflation adjustment for capital gains from the sale or exchange of timber; to the Committee on Finance.

By Mr. ASHCROFT (for himself, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. JEFFORDS, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, and Mr. SHELBY):

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. LOTT, Mr. ALLARD, Mr. ABRAHAM, Mr. COVERDELL, Mr. SESSIONS, and Mr. CRAIG):

S. Res. 124. A resolution to establish a special committee of the Senate to address the cultural crisis facing America; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, Mr. REID, Mr. AKAKA, Mr. BROWNBACK, Mr. BAUCUS, Mr. COVERDELL, Mr. BAYH, Mr. DOMENICI, Mr. BIDEN, Mr. GRASSLEY, Mr. BINGAMAN, Mr. HUTCHINSON, Mrs. BOXER, Mr. JEFFORDS, Mr. BREAUX, Ms. SNOWE, Mr. BRYAN, Mr. SPECTER, Mr. BYRD, Mr. STEVENS, Mr. CLELAND, Mr. CONRAD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Con. Res. 40. A concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. DURBIN, and Mr. GRASSLEY):

S. 1231. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Finance.

### MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, on behalf of myself and my distinguished colleagues Senator DURBIN and Senator GRASSLEY, I rise today to introduce the Medicare Fraud Prevention and Enforcement Act of 1999. Both of these Senators have been leaders in the fight against Medicare fraud.

This bill will help solve an almost $13 billion problem. According to the HHS Inspector General, waste, fraud, abuse, and other improper payments drained about that much from the Medicare Trust Fund in fiscal year 1998. Fraud and abuse not only compromise the solvency of the Medicare program but also, in some cases, directly affect the quality of care delivered to the 38 million older and disabled Americans who depend upon this program. Although this legislation will not prevent all of the waste, fraud, and abuse that now plagues Medicare, it represents an important step toward a solution to a problem that threatens the financial integrity of this vital social program.

Unfortunately, there is no line item in the budget called ''Medicare Waste, Fraud and Abuse'' that we can simply cut to eliminate this insidious problem. It is a complicated, difficult challenge to plug the holes that make Medicare at high risk for fraud and abuse.

In May 1997, the Permanent Subcommittee on Investigations, which I chair, started an extensive investigation of the Medicare program. So far, my Subcommittee has held three hearings in an effort to expose fraud and abuse within Medicare.

As the Subcommittee's hearings revealed, we are now seeing a dangerous and growing problem with Medicare fraud. Career criminals and bogus providers with no background in health care are increasingly entering the system with the sole purpose of stealing hard-earned taxpayer dollars from the Medicare Trust Fund. Only tough deterrents can prevent these unscrupulous providers from entering the Medicare system. At the same time, however, we must be careful not to make entry into the Medicare program so difficult that the process deters legitimate health care providers. We owe it to the American public to strike this crucial balance.

During a Subcommittee hearing earlier last year, we heard testimony describing egregious examples of fraud committed by unscrupulous health care providers. For example, two physicians who submitted in excess of $690,000 in fraudulent Medicare claims listed nothing more than a Brooklyn laundromat as their office location. We were also told that over $6 million in Medicare funds were sent to durable medical equipment companies that provided no services; one of these companies even listed a fictitious address that would have placed the firm in the middle of a runway at the Miami International Airport.

While the number of unscrupulous providers in the Medicare program is very small relative to the number of honest providers, these criminals nevertheless are able to steal millions of dollars from Medicare, wreaking financial havoc on the program. This fraud contributes to the tremendous increase in health care expenditures and adversely affects the quality of health care given to our nation's elderly and disabled.

In response to the serious problems identified through my Subcommittee's investigation, Senator DURBIN, Senator GRASSLEY, and I are introducing legislation designed to prevent waste, fraud, and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. Among other things, this legislation gives additional enforcement tools to the federal law enforcement agencies pursuing health care criminals.

One of the most important steps this bill takes is to prevent scam artists and criminals from securing the provider numbers that permit them to gain access to the Medicare system. Specifically, this bill requires background investigations to be conducted on all new providers to prevent career criminals from getting involved with Medicare in the first place. In addition, this bill requires site inspections of new durable medical equipment suppliers and community mental health

centers prior to their being given a provider number. This will help close the system to those who apply for a provider number from a bogus or nonexistent location. Together, these provisions are designed to make it more difficult for unscrupulous individuals to obtain a Medicare provider number and begin submitting fraudulent claims.

This legislation also requires community mental health centers to meet applicable certification or licensing requirements in their state before they are issued a provider number, and requires the Secretary of Health and Human Services to establish additional standards for such centers to participate in the Medicare system.

In September of last year, Health Care Financing Administration Administrator Nancy-Ann DeParle acknowledged the extensive fraud associated with community mental health centers as she announced a 10-point plan to curb abuses within this program. I applaud Administrator DeParle for taking a step in the right direction, but we can go further.

Our legislation requires each agency that bills Medicare on behalf of physicians or provider groups to register with HCFA and receive a unique registration number. Many billing companies receive a percentage of the claims they submit that are paid by Medicare. Unethical companies, therefore, have a financial incentive to inflate the cost or number of claims submitted. Because billing companies do not have a Medicare provider number, however, it is difficult for HCFA to sanction or exclude them from billing Medicare. Hence, there is little to deter unscrupulous billing companies from submitting inflated claims. This bill makes all companies accountable for their billings through a uniform registration system.

This legislation also provides that Medicare contractors should be held financially accountable for any amounts they improperly pay to excluded providers 60 or more days after being notified of the exclusion. There have been numerous instances in which a Medicare contractor has continued to pay a provider after HCFA had excluded the provider from participating in the program. As a result, excluded providers have sometimes continued to receive unauthorized payments due to the negligence of contractors.

Why should American taxpayers swallow the cost of improper payments when a contractor has been specifically told not to pay a particular provider and yet continues to do so? This bill would help deter such negligence. I realize, however, that this is a complex issue and that this accountability provision may require further refinement.

Under our legislation, providers also would be required to refund overpayments even if they filed for bankruptcy, if the overpayments were incurred through fraudulent means. This money would then be deposited into the Medicare Trust Fund. Some bad actors have used bankruptcy as a shield against repaying Medicare. Essentially, unscrupulous individuals steal literally hundreds of thousands of dollars from the Medicare program, hide or spend it quickly, and then file for bankruptcy protection when they are caught, leaving the Medicare Trust Fund in debt. With this bill, we intend to close this loophole.

Another provision of this legislation aims to halt trafficking in provider numbers. The bill makes it a felony to knowingly, purchase, sell, or distribute Medicare beneficiary or provider numbers with the intent to defraud. Our investigation revealed that there is a growing problem with unscrupulous providers using ''recruiters'' to fraudulently obtain Medicare beneficiary identification numbers, thereafter using these numbers to bill for services never delivered. This problem must be stopped.

Our legislation will also grant much needed statutory law enforcement authority to qualified special agents of the Department of Health and Human Service's Office of Inspector General. Even though one of their major responsibilities is to enforce federal criminal laws, these special agents have no statutory authority to carry firearms, make arrests, or execute search warrants. The office now operates under a temporary Memorandum of Understanding with the Department of Justice.

This lack of full law enforcement authority jeopardizes the safety of HHS-OIG special agents and witnesses under their protection. As my Subcommittee's hearings have demonstrated, more and more career criminals are becoming involved in health care fraud; this increases the potential danger to the agents charged with investigating these crimes. It is time for Congress to spell out the law enforcement authorities of the HHS Office of Inspector General in a more permanent way.

I am very pleased that Senator GRASSLEY, who has been a leader in the fight against Medicare fraud, waste, and abuse, has agreed to be an original cosponsor of our legislation. Senator DURBIN and I have incorporated into our legislation a valuable proposal that Senator GRASSLEY sponsored, namely requiring the use of Universal Product Numbers (''UPNs'') on claims forms for reimbursement under the Medicare program. Senator GRASSLEY, and a bipartisan coalition, introduced this concept as a freestanding bill, S.256, which I cosponsored earlier this year.

These provisions of our legislation would require that a UPN that uniquely identifies the item would be affixed by the manufacturer to medical equipment and supplies. The UPNs would be based on commercially-accepted identification standards, however, customized equipment would not be required to comply with this requirement. Senator DURBIN and I believe that this proposal is complementary to our package of reforms and strengthens the legislation we are introducing today.

Mr. President, the bill we are introducing today represents our concrete commitment to improve the Medicare program by providing additional tools that are needed to combat the extensive waste, fraud, and abuse that plague our nation's most important health care program. The unscrupulous individuals who commit Medicare fraud drive legitimate providers out of business, cost taxpayers vast sums of money, deliver substandard services and equipment, and endanger our elderly by not providing needed services.

We must use common sense and cost-effective solutions to curtail the spreading infection of fraud that threatens the vitality of Medicare. Yet, we must do more. We have a serious responsibility to older Americans across the country and to the nation's taxpayers to protect the Medicare program. We urge our colleagues to join us in this bi-partisan effort to strengthen and improve the Medicare program.

Thank you, Mr. President, and I ask unanimous consent that the bill, a section-by-section analysis of the bill, and four letters endorsing the legislation be printed in the RECORD.

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

S. 1231

*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 ''Medicare Fraud Prevention and Enforcement Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Site inspections and background checks.
Sec. 3. Registration of billing agencies.
Sec. 4. Expanded access to the health integrity protection database (HIPDB).
Sec. 5. Liability of medicare carriers and fiscal intermediaries for claims submitted by excluded providers.
Sec. 6. Community mental health centers.
Sec. 7. Limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.
Sec. 8. Illegal distribution of a medicare or medicaid beneficiary identification or provider number.
Sec. 9. Treatment of certain Social Security Act crimes as Federal health care offenses.
Sec. 10. Authority of Office of Inspector General of the Department of Health and Human Services.
Sec. 11. Universal Product Numbers on Claims Forms for Reimbursement Under the Medicare program.

**SEC. 2. SITE INSPECTIONS AND BACKGROUND CHECKS.**

(a) SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

''SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS

''SEC. 1897. (a) SITE INSPECTIONS.—

''(1) IN GENERAL.—The Secretary shall conduct a site inspection for each applicable provider (as defined in paragraph (2)) that applies for a provider number in order to provide items or services under this title. Such site inspection shall be in addition to any other site inspection that the Secretary would otherwise conduct with regard to an applicable provider.

''(2) APPLICABLE PROVIDER DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this section, the term 'applicable provider' means—

''(i) a supplier of durable medical equipment (including items described in section 1834(a)(13));

''(ii) a supplier of prosthetics, orthotics, or supplies (including items described in paragraphs (8) and (9) of section 1861(s));

''(iii) a community mental health center; or

''(iv) any other provider group, as determined by the Secretary.

''(B) EXCEPTION.—In this section, the term 'applicable provider' does not include—

''(i) a physician that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an office visit by such individual; or

''(ii) a hospital that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an emergency room visit by such individual.

''(b) STANDARDS AND REQUIREMENTS.—In conducting the site inspection pursuant to subsection (a), the Secretary shall ensure that the site being inspected is in full compliance with all the conditions and standards of participation and requirements for obtaining medicare billing privileges under this title.

''(c) TIME.—The Secretary shall conduct the site inspection for an applicable provider prior to the issuance of a provider number to such provider.

''(d) TIMELY REVIEW.—The Secretary shall provide for procedures to ensure that the site inspection required under this section does not unreasonably delay the issuance of a provider number to an applicable provider.''.

(b) BACKGROUND CHECKS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

''BACKGROUND CHECKS

''SEC. 1898. (a) BACKGROUND CHECK REQUIRED.—Except as provided in subsection (b), the Secretary shall conduct a background check on any individual or entity that applies to the Secretary for a provider number for the purpose of furnishing any item or service under this title. In performing the background check, the Secretary shall—

''(1) conduct the background check before issuing a provider number to an individual or entity;

''(2) include a search of criminal records in the background check; and

''(3) provide for procedures that ensure the background check does not unreasonably delay the issuance of a provider number to an eligible individual or entity.

''(b) USE OF STATE LICENSING PROCEDURE.—The Secretary may use the results of a State licensing procedure as a background check under subsection (a) if the State licensing procedure meets the requirements of subsection (a).

''(c) ATTORNEY GENERAL REQUIRED TO PROVIDE INFORMATION.—

''(1) IN GENERAL.—Upon request of the Secretary, the Attorney General shall provide the criminal background check information referred to in subsection (a)(2) to the Secretary.

''(2) RESTRICTION ON USE OF DISCLOSED INFORMATION.—The Secretary may only use the information disclosed under subsection (a) for the purpose of carrying out the Secretary's responsibilities under this title.

''(d) REFUSAL TO ISSUE PROVIDER NUMBER.—

''(1) AUTHORITY.—In addition to any other remedy available to the Secretary, the Secretary may refuse to issue a provider number to an individual or entity if the Secretary determines, after a background check conducted under this section, that such individual or entity has a history of acts that indicate issuance of a provider number to such individual or entity would be detrimental to the best interests of the program or program beneficiaries. Such acts may include, but are not limited to—

''(A) any bankruptcy;

''(B) any act resulting in a civil judgment against such individual or entity; or

''(C) any felony conviction under Federal or State law.

''(2) REPORTING OF REFUSAL TO ISSUE PROVIDER NUMBER TO THE HEALTH INTEGRITY PROTECTION DATABASE (HIPDB).—A determination to refuse to issue a provider number to an individual or entity as a result of a background check conducted under this section shall be reported to the health integrity protection database established under section 1128E in accordance with the procedures for reporting final adverse actions taken against a health care provider, supplier, or practitioner under that section.''.

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendments made by subsections (a) and (b).

(2) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to applications received by the Secretary of Health and Human Services on or after January 1, 2000.

(d) USE OF MEDICARE INTEGRITY PROGRAM FUNDS.—The Secretary of Health and Human Services may use funds appropriated or transferred for purposes of carrying out the medicare integrity program established under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) to carry out the provisions of sections 1897 and 1898 of that Act (as added by subsections (a) and (b)).

**SEC. 3. REGISTRATION OF BILLING AGENCIES.**

(a) REGISTRATION OF BILLING AGENCIES AND INDIVIDUALS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by section 2(b)) is amended by adding at the end the following:

''REGISTRATION OF BILLING AGENCIES AND INDIVIDUALS

''SEC. 1899. (a) REGISTRATION.—The Secretary shall establish procedures for the registration of all applicable persons.

''(b) REQUIRED APPLICATION.—Each applicable person shall submit a registration application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) IDENTIFICATION NUMBER.—If the Secretary approves an application submitted under subsection (b), the Secretary shall assign a unique identification number to the applicable person.

''(d) REQUIREMENT.—Every claim for reimbursement under this title that is compiled and submitted by an applicable person shall contain the identification number that is assigned to the applicable person pursuant to subsection (c).

''(e) TIMELY REVIEW.—The Secretary shall provide for procedures that ensure the timely consideration and determination regarding approval of applications under this section.

''(f) DEFINITION OF APPLICABLE PERSON.—In this section, the term 'applicable person' means an individual or an entity that compiles and submits claims for reimbursement under this title to the Secretary on behalf of any individual or entity.''.

(b) PERMISSIVE EXCLUSION.—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following:

''(16) FRAUD BY APPLICABLE PERSON.—An applicable person (as defined in section 1899(f)) that the Secretary determines knowingly submitted or caused to be submitted a claim for reimbursement under title XVIII that the applicable person knows or should know is false or fraudulent.''.

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendment made by subsections (a) and (b).

(2) EFFECTIVE DATE.—The amendment made by subsections (a) and (b) shall take effect on January 1, 2000.

**SEC. 4. EXPANDED ACCESS TO THE HEALTH INTEGRITY PROTECTION DATABASE (HIPDB).**

(a) IN GENERAL.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended to read as follows:

''(1) AVAILABILITY.—The information in the database maintained under this section shall be available to—

''(A) Federal and State government agencies and health plans, and any health care provider, supplier, or practitioner entering an employment or contractual relationship with an individual or entity who could potentially be the subject of a final adverse action, where the contract involves the furnishing of items or services reimbursed by 1 or more Federal health care programs (regardless of whether the individual or entity is paid by the programs directly, or whether the items or services are reimbursed directly or indirectly through the claims of a direct provider); and

''(B) utilization and quality control peer review organizations and accreditation entities as defined by the Secretary, including but not limited to organizations described in part B of title XI and in section 1154(a)(4)(C).''.

(b) CRIMINAL PENALTY FOR MISUSE OF INFORMATION.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following:

''(4) Whoever knowingly uses information maintained in the health integrity protection database maintained in accordance with section 1128E for a purpose other than a purpose authorized under that section shall be imprisoned for not more than 3 years or fined under title 18, United States Code, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

**SEC. 5. LIABILITY OF MEDICARE CARRIERS AND FISCAL INTERMEDIARIES FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.**

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—

(1) REQUIREMENTS FOR FISCAL INTERMEDIARIES.—

(A) IN GENERAL.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following:

''(m) An agreement with an agency or organization under this section shall require that such agency or organization reimburse the Secretary for any amounts paid by the agency or organization for a service under this title which is furnished by an individual or entity during any period for which the individual or entity is excluded, pursuant to section 1128, 1128A, or 1156, from participation in the health care program under this title if the amounts are paid after the 60-day period beginning on the date the Secretary provides notice of the exclusion to the agency or organization, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity.''.

(B) CONFORMING AMENDMENT.—Section 1816(i) of the Social Security Act (42 U.S.C. 1395h(i)) is amended by adding at the end the following:

''(4) Nothing in this subsection shall be construed to prohibit reimbursement by an agency or organization pursuant to subsection (m).''.

(2) REQUIREMENTS FOR CARRIERS.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(A) by striking ''and'' at the end of subparagraph (I); and

(B) by inserting after subparagraph (I) the following:

''(J) will reimburse the Secretary for any amounts paid by the carrier for an item or service under this part which is furnished by an individual or entity during any period for which the individual or entity is excluded, pursuant to section 1128, 1128A, or 1156, from participation in the health care program under this title if the amounts are paid after the 60-day period beginning on the date the Secretary provides notice of the exclusion to the carrier, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity; and''.

(b) CONFORMING REPEAL OF MANDATORY PAYMENT RULE.—Section 1862(e) of the Social Security Act (42 U.S.C. 1395y(e)) is amended—

(1) in paragraph (1)(B), by striking ''and when the person'' and all that follows through ''person)''; and

(2) by amending paragraph (2) to read as follows:

''(2) No individual or entity may bill (or collect any amount from) any individual for any item or service for which payment is denied under paragraph (1). No individual is liable for payment of any amounts billed for such an item or service in violation of the preceding sentence.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to claims for payment submitted on or after the date of enactment of this Act.

(2) CONTRACT MODIFICATION.—The Secretary of Health and Human Services shall take such steps as may be necessary to modify contracts and agreements entered into, renewed, or extended prior to the date of enactment of this Act to conform such contracts or agreements to the provisions of this section.

**SEC. 6. COMMUNITY MENTAL HEALTH CENTERS.**

(a) IN GENERAL.—Section 1861(ff)(3)(B) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking ''entity'' and all that follows and inserting the following: ''entity that—

''(i) provides the community mental health services specified in paragraph (1) of section 1913(c) of the Public Health Service Act;

''(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located;

''(iii) provides a significant share of its services to individuals who are not eligible for benefits under this title; and

''(iv) meets such additional standards or requirements for obtaining medicare billing privileges as the Secretary may specify to ensure—

''(I) the health and safety of beneficiaries receiving such services; or

''(II) the furnishing of such services in an effective and efficient manner.''.

(b) RESTRICTION.—Section 1861(ff)(3)(A) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting ''other than in an individual's home or in an inpatient or residential setting'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after the sixth month that begins after the date of enactment of this Act.

**SEC. 7. LIMITING THE DISCHARGE OF DEBTS IN BANKRUPTCY PROCEEDINGS IN CASES WHERE A HEALTH CARE PROVIDER OR A SUPPLIER ENGAGES IN FRAUDULENT ACTIVITY.**

(a) IN GENERAL.—

(1) CIVIL MONETARY PENALTIES.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title.''.

(2) RECOVERY OF OVERPAYMENT TO PROVIDERS OF SERVICES UNDER PART A OF MEDICARE.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.''.

(3) RECOVERY OF OVERPAYMENT OF BENEFITS UNDER PART B OF MEDICARE.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended—

(A) by inserting ''(1)'' after ''(j)''; and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.''.

(4) COLLECTION OF PAST-DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACT.—Section 1892(a) of the Social Security Act (42 U.S.C. 1395ccc(a)) is amended by adding at the end the following:

''(5) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of enactment of this Act.

**SEC. 8. ILLEGAL DISTRIBUTION OF A MEDICARE OR MEDICAID BENEFICIARY IDENTIFICATION OR PROVIDER NUMBER.**

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)), as amended by section 4(b), is amended by adding at the end the following:

''(5) Whoever knowingly, intentionally, and with the intent to defraud purchases, sells or distributes, or arranges for the purchase, sale, or distribution of 2 or more medicare or medicaid beneficiary identification numbers or provider numbers shall be imprisoned for not more than 3 years or fined under title 18, United States Code (or, if greater, an amount equal to the monetary loss to the Federal and any State government as a result of such acts), or both.''.

**SEC. 9. TREATMENT OF CERTAIN SOCIAL SECURITY ACT CRIMES AS FEDERAL HEALTH CARE OFFENSES.**

(a) IN GENERAL.—Section 24(a) of title 18, United States Code, is amended—

(1) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(2) by adding at the end the following:

''(3) section 1128B of the Social Security Act (42 U.S.C. 1320a–7b).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to acts committed on or after the date of enactment of this Act.

**SEC. 10. AUTHORITY OF OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(a) AUTHORITY.—Notwithstanding any other provision of law, upon designation by the Inspector General of the Department of Health and Human Services, any criminal investigator of the Office of Inspector General of such department may, in accordance with guidelines issued by the Secretary of Health and Human Services and approved by the Attorney General, while engaged in activities within the lawful jurisdiction of such Inspector General—

(1) obtain and execute any warrant or other process issued under the authority of the United States;

(2) make an arrest without a warrant for—

(A) any offense against the United States committed in the presence of such investigator; or

(B) any felony offense against the United States, if such investigator has reasonable cause to believe that the person to be arrested has committed or is committing that felony offense; and

(3) exercise any other authority necessary to carry out the authority described in paragraphs (1) and (2).

(b) FUNDS.—The Office of Inspector General of the Department of Health and Human Services may receive and expend funds that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and that are transferred to the Office of Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service. Such equitable sharing funds shall be deposited in a separate account and shall remain available until expended.

**SEC. . UNIVERSAL PRODUCT NUMBERS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.**

(A) (a) ACCOMMODATION OF UPNS ON MEDICARE CLAIMS FORMS.—Not later than February 1, 2001, all claims forms developed or used by the Secretary of Health and Human Services for reimbursement under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall accommodate the use of universal product numbers for a UPN covered item.

(b) REQUIREMENT FOR PAYMENT OF CLAIMS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

''USE OF UNIVERSAL PRODUCT NUMBERS

''SEC. 1897. (a) IN GENERAL.—No payment shall be made under this title for any claim for reimbursement for any UPN covered item unless the claim contains the universal product number of the UPN covered item.

''(b) DEFINITIONS.—In this section:

''(1) UPN COVERED ITEM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'UPN covered item' means—

''(i) a covered item as that term is defined in section 1834(a)(13);

''(ii) an item described in paragraph (8) and (9) of section 1861(s);

''(iii) an item described in paragraph (5) of section 1861 (s); and

''(iv) any other item for which payment is made under this title that the Secretary determines to be appropriate.

''(B) EXCLUSION.—The term 'UPN covered item' does not include a customized item for which payment is made under this title.

''(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' means a number that is—

''(A) affixed by the manufacturer to each individual UPN covered item that uniquely identifies the item at each packaging level; and

''(B) based on commercially acceptable identification standards such as, but not limited to, standards established by the Uniform Code Council-International Article Numbering System or the Health Industry Business Communication Council.''

(c) DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.—

(1) INFORMATION INCLUDED IN UPN.—The Secretary of Health and Human Services, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a universal product number for a UPN covered item.

(2) REVIEW OF PROCEDURE.—From the information obtained by the use of universal product numbers on claims for reimbursement under the medicare program, the Secretary of Health and Human Services, in consultation with interested parties, shall periodically review the UPN covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to claims for reimbursement submitted on and after February 1, 2002.

(B) STUDY AND REPORTS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the results of the implementation of the provisions in subsections (a) and (c) of section 2 and the amendment to the Social Security Act in subsection (b) of that section.

(b) REPORTS.—

(1) PROGRESS REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the progress of the matters studied pursuant to subsection (a).

(2) IMPLEMENTATION.—Not later than 18 months after the date of enactment of this Act, and annually thereafter for 3 years, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the results of the study conducted pursuant to subsection (a), together with the Secretary's recommendations regarding the use of universal product numbers and the use of data obtained from the use of such numbers.

(C) DEFINTIONS.

In this Act:

(1) UPN COVERED ITEM.—The term 'UPN covered item' has the meaning given such term in section 1897(b)(1) of the Social Security Act (as added by section 2(b)).

(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' has the meaning given such term in section 1897(b)(2) of the Social Security Act (as added by section 2(b)).

(D) AUTHORIZATION OF APPROPRIATIONS.

The are authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions in subsections (a) and (c) of section 2, section 3, and section 1897 of the Social Security Act (as added by section 2(b)).

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MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999—SECTION-BY-SECTION SUMMARY

Sec. 1: Short Title: ''Medicare Fraud Prevention and Enforcement Act of 1999''.

Sec. 2: Site Inspections and Background Checks

Requires the Health Care Financing Administration (HCFA) to conduct a site inspection prior to issuing a provider number for all new providers of durable medical equipment, prosthetics, orthotics or supplies, community mental health services, or any other provider group deemed necessary by the Secretary.

Requires site inspections to include, at a minimum, verification of compliance with all established standards of enrollment relating to a particular provider type.

Requires background checks on all new providers prior to issuing a provider number. the background check shall include a criminal history background check. Grants the Secretary the authority to substitute state licensing procedures for background checks if it is determined that a State's procedures have the same substantive requirements.

Requires the Attorney General to provide criminal background information to the Secretary regarding individuals applying for a Medicare provider number. The Secretary may only use this information for determining eligibility for participation in the Medicare program.

The Secretary may decline to issue a provider number if the Secretary determines, after a background check, that the applicant has a history of acts that the Secretary determines would be detrimental to the best interests of the program or its beneficiaries.

The Secretary shall report all decisions to refuse a provider number as a result of a background check to the Health Integrity Protection Database.

HCFA may use Medicare Integrity Program funds to cover the costs of conducting the site visits and background investigations.

A physician or hospital that provides durable medical equipment, prosthetics, orthotics or supplies incident to an office visit or emergency room visit is exempt from the site visit requirement.

Explanation: Currently, site inspections and background checks are random and typically only occur in certain areas of the country and on certain types of providers. Mandating site inspections and background checks would significantly enhance the ability of HCFA to keep ''bad apples'' from entering the program. Site inspections must do more than simply verify that a business actually exists at a particular location; they must ensure that the entity meets or exceeds the established participation standards related to their speciality.

Sec. 3: Registration of Billing Agencies

Requires agencies that bill Medicare on behalf of physicians or provider groups to register with HCFA.

Requires HCFA to assign a unique registration number to each billing agency.

Requires that every claim submitted by a billing agency to Medicare for reimbursement include the agency's unique registration number.

Allows the Secretary to exclude a billing agency from participating in the Medicare program if it knowingly submits a false or fraudulent claim.

Explanation: This provision would require HCFA to assign a unique identifying number (similar to a provider number) to each company which would then allow Medicare to sanction or exclude these companies (and principal owners) from billing Medicare. Federal law enforcement agencies have received several allegations involving cases in which billing companies that bill Medicare on behalf of providers submitted fraudulent (upcoded/unbundled/fictitious) claims for payment. Many billing companies receive a percentage of all claims paid by Medicare; therefore, these companies have a financial incentive to inflate the cost or number of claims submitted. This occurs both with and without the knowledge of the provider. Because these billing companies do not have a Medicare provider number (they bill using the particular physician's provider number), HCFA is currently unable to sanction or exclude the companies from billing Medicare.

Sec. 4: Expand Access to the Health Integrity Protection Database (HIPDB)

Allows any entity that bills Medicare to query the HIPDB before hiring or initiating a contractual relationship with a health care provider.

HIPDB is intended to provide a ''one stop shop'' data base for public information on the imposition of health care sanctions. Includes information such as health care-related criminal convictions, civil judgments, exclusions, and adverse license or certification actions.

Abuse of the information in the HIPDB is a federal felony. Whoever knowingly uses information maintained in the database for unauthorized purposes shall be imprisoned for not more than 3 years or fined under title 18, United States Code, or both.

Currently, the HIPDB is only available to government investigators and health care plans.

Explanation: Expanding access to HIPDB for those entities that bill Medicare will allow for better tracking and accountability of individuals who have received an adverse action; therefore, allowing the employer to make a more informed hiring decision.

Sec. 5. Contractor Payments to Excluded Providers

Requires a Medicare contractor to reimburse the Secretary for any amounts paid by HCFA for claims submitted by excluded providers 60 days after the Secretary has provided notice of the exclusion, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity.

Prevents an excluded provider from directly billing a Medicare beneficiary.

Explanation: There have been numerous instances in which Medicare contractors have continued to pay providers after HCFA had excluded the provider from participating in the program. As a result, excluded individuals and entities have continued to receive Medicare payments due to the negligence of contractor personnel. Instead of draining the Medicare Trust Fund, Medicare contractors should be held financially accountable for any amounts they improperly pay to excluded providers 60 days after they have been notified of the exclusion unless the payment was made as a result of incorrect information by HHS or the excluded provider intentionally concealed or altered its identity so

that the contractor could not have known the provider was excluded. By making Medicare contractors liable for such erroneous payments, they will be encouraged to exert greater diligence when reviewing new provider applications and paying claims.

Sec. 6. Community Mental Health Centers (CMHC)

CMHCs must meet applicable certification or licensing requirements of the state in which they are located before they are issued a provider number.

CMHCs cannot serve only Medicare patients.

CMHCs must meet additional standards of participation to be established by the Secretary before they are issued a provider number.

Explanation: This provision is designed to ensure that fraudulent or fly-by-night companies are not allowed to participate in the CMHC program. Recent subcommittee hearings have highlighted the rampant fraud within the CMHC program. CMHCs are paid by Medicare to provide partial hospitalization services to patients that would otherwise have to be admitted for inpatient psychiatric treatment. The program has grown from about $30 million in 1993 to more than $350 million in 1997. Of the approximately 1,500 CMHCs nationwide, more than 250 of these centers are located in the State of Florida. On-site visits to these facilities in Florida by HCFA personnel revealed that many CMHCs did not meet the criteria for a Medicare provider number, numerous patients did not meet eligibility criteria, and many centers were using non-licensed staff to furnish non-therapeutic services. In essence, Medicare was paying for adult daycare, which is not allowed.

Sec. 7: Bankruptcy Protection

Provides that any overpayment which is the result of fraudulent activity is not dischargeable through the bankruptcy process.

Provides that any civil monetary penalty or collection of past-due obligations arising from breach of a scholarship and loan contract are not dischargeable through the bankruptcy process.

Explanation: Under current law, health care providers and suppliers can use bankruptcy as a shield against recovery of Medicare overpayments. A provider or supplier can assert that any overpayment due to the Medicare program is discharged and does not survive the bankruptcy proceeding. Under this proposal, a provider or supplier would be liable to refund overpayments even in bankruptcy if the provider obtained the overpayment by fraudulent means. This money would eventually be deposited into the Medicare Trust Fund. Additionally, any civil monetary penalties levied or past-due obligations arising from breach of a contract entered into pursuant to the National Health Services Corp Scholarship Program, the Physician Shortage Area Scholarship Program, or the Health Education Assistance Loan Program, are not dischargable.

Sec. 8: Illegal Distribution of a Medicare or Medicaid Provider Number or Beneficiary Identification Number

This provision makes it a felony for a person to knowingly, intentionally, and with the intent to defraud, purchase, sell, or distribute two or more Medicare or Medicaid beneficiary identification numbers or provider numbers.

An individual convicted under this seciton shall be fined under Title 18 of the United States Code or, whichever is greater, an amount equal to the monetary loss to the Government, or imprisoned for not more than 3 years, or both.

Explanation: There are no specific statutes that prohibit the purchase, sale or distribution of a Medicare or Medicaid provider number or beneficiary identification (billing) number. This provision would address the growing trend of unscrupulous providers using ''recruiters'' to fraudulently obtain beneficiary identification numbers in order to bill for bogus services. In addition, this provision will provide penalties for individuals who ''steal'' legitimate provider numbers and then submit fraudulent claims.

Sec. 9: Define Certain Crimes as Health Care Offenses

Defines criminal violations of the Medicare/Medicaid statutes under section 1128B of the Social Security Act (including the illegal sale or distribution of a Medicare provider number or beneficiary identification number) as ''federal health care offenses''.

Explanation: The Health Insurance Portability and Accountability Act (HIPAA) established several enforcement tools for deterring health care related crime, including authority for injunctive relief, streamlined investigative demand and subpoena procedures, and property forfeitures. These remedies were made applicable to all ''Federal health care offenses''. In identifying these criminal provisions, however, some criminal provisions (i.e., kickbacks, false certifications, and overcharging beneficiaries) were inadvertently omitted. This provision defines the aforementioned crimes as well as the offenses enumerated in Section 8 (Illegal Distribution of a Medicare or Medicaid beneficiary identification or provider number) of this bill as Federal health care offenses.

Sec. 10: Authority of Inspector General for the Department of Health and Human Services (HHS)

Gives criminal investigators within HHS' Office of Inspector General the authority to:

Obtain and execute warrants;

Arrest without warrant if—a crime committed against the United States is committed in their presence; or the investigator reasonably believes a felony offense has been committed.

Share in forfeited assets when pursuing a joint investigation with another law enforcement agency.

The authority provided under this section shall be carried out in accordance with guidelines approved by the Attorney General.

Exercise those authorities necessary to carry out those functions.

Explanation: The lack of full law enforcement authority jeopardizes the safety of HHS–OIG agents and witnesses under their protection. HHS–OIG agents currently exercise limited law enforcement authority under a special deputation issued by the Department of Justice through the U.S. Marshals Office. This special deputation allows HHS–OIG agents to exercise only *limited* law enforcement powers. All HHS–OIG agents receive nine weeks of specialized training at the Federal Law Enforcement Training Center. This is the same training required by the United States Marshal Service, United States Secret Service, and numerous other federal law enforcement agencies. More and more career criminals are becoming involved in health care fraud; this increases the potential danger for those agents charged with investigating these crimes. Both the Federal Law Enforcement Officers Association as well as the Fraternal Order of Police support this provision.

Sec. 11: Universal Product Numbers on Claims Forms for Reimbursement

Requires that all Medicare claims forms accommodate a Universal Product Number (UPN) no later than February 1, 2001, in order to receive reimbursement under the Medicare program. The UPN requirement would apply to all durable medical equipment and supplies, orthotics and prosthetics, except for any customized items, billed under the Medicare program.

The Secretary, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a UPN.

The Secretary, in consultation with interested parties, shall review information obtained by the use of UPNs on claims forms and shall adjust the Common Procedure Coding System (Medicare's current coding system) to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

The UPN shall be based upon, but not limited to, commercially acceptable identification standards established by the Uniform Code Council-International Article Numbering System or the Health Industry Business Communications Council. The two Councils are not-for-profit organizations that are currently used by the industry to establish and issue bar codes, but should a similar entity develop, the Secretary retains the discretion to use this as well.

No payments shall be made for claims forms not containing UPNs submitted after February 1, 2002. This grace period provides manufacturers that are not currently using UPNs time to adjust to this new reimbursement system.

The Secretary shall report to Congress no later than 6 months after the date of enactment of this Act on the progress of implementing UPNs on claims forms.

The Secretary shall report 18 months after the date of enactment and annually thereafter for 3 years a detailed description of the results of using the UPN for reimbursement.

Explanation: Currently, HCFA does not know which products it is purchasing. The only identification that is reflected on the claims form is a billing code. The billing code for each individual product can cover a wide range of items. For example, GAO determined that one single Medicare code is used for more than 200 different urological catheters and the wholesale price range of the catheters varies from $1 to $18. The use of a UPN would specifically identify the item and, thus, reduce the likelihood of ''upcoding'' and combat fraud and abuse in the Medicare program.

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HEALTH INDUSTRY
DISTRIBUTORS ASSOCIATION,
*Alexandria, VA, February 8, 1999.*

Hon. SUSAN COLLINS,
*Chair, Permanent Subcommittee on Investigations,*
*Committee on Governmental Affairs, Washington, DC.*

DEAR MADAM CHAIRWOMAN: On behalf of the Health Industry Distributors Association (HIDA), I applaud you for introducing the Medicare Fraud Prevention and Enforcement Act. HIDA is the national trade association of home care companies and medical products distribution firms. Created in 1902, HIDA represents over 700 companies with approximately 2500 locations nationwide. HIDA Members provide value-added distribution services to virtually every hospital, physician's office, nursing facility, clinic, and other health care sites across the country, as well as to a growing number of home care patients.

As a professional trade association, HIDA wholeheartedly supports the rigorous enforcement of laws that ensure that Medicare pays reasonable reimbursement amounts for medically necessary items and services on behalf of Medicare beneficiaries. HIDA has long advocated the responsible administration of the Medicare program, and has repeatedly identified specific abusive or illegal practices occurring in the marketplace to assist the government's anti-fraud efforts. HIDA has also assisted in the development of

additional targeted policies designed to aid the government in the administration of the Medicare Program.

The Medicare Fraud Prevention and Enforcement Act is needed to support the integrity of the Medicare Program. HIDA has advocated more stringent standards for Medicare Part B durable medical equipment, prosthetic, orthotic and supply (DMEPOS) providers for a number of years. HIDA believes that that the current Medicare DMEPOS supplier standards are simply insufficient. Importantly, it is not just the de minimus nature of the standards that is deficient, but also the process Medicare uses to determine whether a provider actually meets those standards. The site visits and increased provider scrutiny included in your bill will address our concerns.

By enacting this bill, Medicare will realize an immediate benefit by ensuring that beneficiaries receive DMEPOS services only from legitimate firms. Unscrupulous providers will never have an opportunity to engage in abusive behavior because they will never be able to bill the Medicare program on behalf of beneficiaries. Consequently, these increased standards and enforcement tools will significantly contribute to reducing fraud and abuse in the Medicare program. For these reasons HIDA strongly supports the Medicare Fraud Prevention and Enforcement Act.

Again, thank you for introducing this important bill. Please contact Ms. Erin H. Bush, HIDA's Associate Director of Governmental Relations (703) 838–6110 if we can be of any assistance.

Sincerely,

CARA C. BACHENHEIMER,
*Vice President.*

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PEDORTHIC FOOTWEAR ASSOCIATION,
*Columbia, MD, April 27, 1999.*

Hon. SUSAN COLLINS,
*U.S. Senate, Chair, Government Affairs Permanent Subcommittee on Investigations, Washington, DC.*

DEAR SENATOR COLLINS: The Pedorthic Footwear Association (PFA) applauds your leadership and ongoing efforts to combat fraud and abuse in the Medicare program. Your legislation, ''The Medicare Fraud Prevention & Enforcement Act of 1999,'' is encouraging as a positive step forward to strengthen current law and further protect both patients and providers.

PFA strongly shares your concern that only qualified entities should be able to participate and provide health care services to the nation's Medicare patient population. In an effort to protect patients and provide HCFA with improved control of its supplies, PFA greatly appreciates your leadership and introduction of legislation to address these important public policy issues.

The PFA, founded in 1958, is a not-for-profit organization representing professionals in the field of pedorthics—the design, manufacture, modification and fit of footwear, including foot orthoses, to alleviate foot problems caused by disease, overuse, congenital defect or injury. Pedorthists are one of the four professionals recognized by Congress as suppliers of the Therapeutic Shoes for Diabetics benefit.

Shoes are simply apparel for most people, but for individuals with severe diabetic foot disease, shoes are a part of their treatment plan. As such, PFA supports all efforts to ensure that these patients are treated and provided services by qualified individuals. Thank you for your efforts to enhance HCFA's overall ability to accomplish its mission of protecting the health of the patient and the integrity of the Medicare program.

Sincerely,

ROGER MARZANO, C.P.O, C.PED.,
*President.*

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THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION, INC.,
*Bethesda, MD, May 21, 1999.*

Hon. SUSAN COLLINS,
*Chair, Permanent Subcommittee on Investigations, Senate Governmental Affairs Committee, Washington, DC.*

DEAR MADAM CHAIRMAN: On behalf of the 60,000 occupational therapists, occupational therapy assistants, and students who are members of the American Occupational Therapy Association, I want to express support for your Medicare Fraud Prevention and Enforcement Act of 1999.

As providers whose services are covered under both Parts A and B of the Medicare program, our members are well aware of the importance of assuring that the program is well-run, appropriately administered and monitored and that high standards of quality are maintained, including assurance of the use of qualified personnel.

Your efforts to require scrutiny of new providers can be an important element of an overall improvement in the Medicare program. We are also pleased that your bill recognizes the validity of state licensure as a proxy for background checks.

Thank you for your efforts to promote quality, efficient services under Medicare.

Sincerely,

CHRISTINA A. METZLER,
*Director,*
*Federal Affairs Department.*

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AARP,
*Washington, DC, June 17, 1999.*

Hon. SUSAN M. COLLINS,
*Chair,*
*Governmental Affairs Permanent Subcommittee, on Investigations, U.S. Senate, Washington, DC.*

DEAR MADAM CHAIR: AARP commends you and your colleague, Sen. Richard Durbin, for introducing the ''Medicare Fraud Prevention and Enforcement Act of 1999.'' Fraud and abuse remain serious problems in the Medicare program that drain valuable funds which could otherwise be used to help strengthen the program for current and future beneficiaries. Your legislation's focus on deterrence is constructive and should significantly improve Medicare's ability to stop fraud by unscrupulous providers before it happens.

The provisions in your bill to require site inspections and background checks of certain providers, to require billing agencies to register with the Health Care Financing Administration, to allow entities billing Medicare to access the Health Integrity Protection Database, and to make it a felony to distribute provider or beneficiary identification numbers are powerful tools that should make those intent on defrauding the Medicare program think twice before attempting to do so.

As we move to strengthen Medicare's ability to identify and eliminate fraud, it is important to do this judiciously so that the vast majority of providers—who are honest and intent on following the rules—are not burdened. The provisions of your bill appear reasonable and seem to reflect this critical balance. While fraud and abuse cannot be completely eliminated, it can be significantly reduced. Your bill will help in this effort.

AARP is pleased to have the opportunity to comment on this legislation and we appreciate the work you and Sen. Durbin have done to reduce the effect of fraud and abuse on the Medicare program and its beneficiaries. We look forward to continuing to work with you and your colleagues in the House and Senate on a bipartisan basis to find effective ways to address this issue.

If you have any questions, please feel free to contact me or have your staff contact Michele Kimball of the AARP Federal Affairs Health Team at 202–434–3772.

Sincerely,

HORACE B. DEETS,
*Executive Director.*

Mr. DURBIN. Mr. President, in summary, I am proud to be a cosponsor of this bipartisan legislation. I am also proud to be a member of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee, which Senator COLLINS chairs. This has been one of the best assignments I have had in the Senate because Senator COLLINS is not afraid to tackle tough issues. We have gone after the issue of food safety with fascinating hearings which I believe will lead to improving America's food supply and really protecting America's families.

She has shown extraordinary courage in addressing this issue of Medicare fraud. Frankly, it took a very good investigative team and her determination to bring us to this moment where this legislation is being introduced.

Mr. President, 39 million Americans rely on Medicare. If you have a parent or grandparent who is elderly or disabled, they may view Medicare as their health insurance plan. Without it, think where America would be if elderly people and disabled folks had to rely on their own resources to pay for their medical care.

We pay a great deal of money each year in America to keep Medicare, this health insurance plan, solvent and working; about $218 billion a year. What Senator COLLINS is addressing is the fact that we know for a fact that each year we waste anywhere from $13 billion to $21 billion a year. You say: How does that happen? Is it a matter of the bureaucrats moving the paper around, and they get it wrong? No, for the most part, it comes down to people who are setting out to intentionally defraud the Government, and they are so good at it, we lose at least $35 million a day—a day—to these smoothies, these swindlers, these con artists who prey upon the Medicare system as an open pot of money they can reach into and grab.

When Senator COLLINS' investigators went out, they found that some of the people who claimed to be providing medical services and medical equipment do not even exist. The addresses they gave, when we traced them, turned out, if they were true addresses, would be smack dab in the middle of a runway at the Miami International Airport, and no one checked up on it. Year after year, we send out money automatically to these folks without verification.

The legislation I am introducing with Senator COLLINS will really put some teeth in the law and say we are not going to tolerate this anymore. The

money that is being taken out of this program is at the expense of the elderly and disabled and certainly at the expense of America's taxpayers.

Can I give one illustration of this? Nursing homes provide care for elderly people who suffer from incontinency. It is something which happens to many older folks. Nursing homes are supposed to provide adult diapers for seniors who find themselves in this predicament. However, one of the groups that we discovered decided they would try to invent a way to bill the Federal Government for these 30-cent diapers that are needed for elderly people, so they changed the name of the diaper to ''female urinary collection device'' and billed the Federal Government $8 an item: a 30-cent diaper, billed them $8—clearly fraudulent, taking money right out of the Treasury, money that, frankly, should be there for the real needs of senior citizens.

The stories go on and on. With this bill, we try to step forward and say we are going to put an end to it or at least reduce it dramatically. We are going to create incentives for people who take the time, as many seniors should with the help of their families, to go through their medical bills. Really, that is the first line of defense. When a senior under Medicare receives a medical bill, I know it has to be a challenge—it is for me and I am an attorney—they should go through it page by page and look for things that do not make sense. When they discover these things and call into the hotline under Medicare, we can many times track down abuses and fraud and help not only that senior, but every senior and Americans in general.

I salute the Senator from Maine. Her leadership on this issue is absolutely essential.

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By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 1232. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. COCHRAN. Mr. President, today I am introducing a bill to provide relief to many Federal employees and their families who, through no fault of their own, find themselves the victims of retirement coverage errors.

In 1984, the Federal government made a transition from the Civil Service Retirement System (CSRS) to the Federal Employees Retirement System (FERS). As government agencies carried out the complex job of applying two sets of transition rules, mistakes were made, and thousands of employees were placed in the wrong retirement system—many learning that their pensions would be less than expected. Under the current statutory scheme, federal agencies have no choice but to correct a retirement coverage error when it is discovered, effectively forcing employees into a new retirement plan. Unfortunately, the correction of a retirement coverage error can have a harmful impact on an employee's financial ability to plan for retirement.

This proposal, ''The Federal Erroneous Retirement Coverage Corrections Act,'' provides comprehensive and equitable relief to employees, former employees, retirees, and survivors who are affected by retirement coverage errors. The bill provides individuals with a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law. For each type of retirement coverage error, individuals are furnished the opportunity to maintain their expected level of retirement benefits without a change in their retirement savings and planning. Among other provisions, the bill also provides that certain employees who missed an opportunity to contribute to the Thrift Savings Plan (TSP) due to a coverage error may receive interest on their TSP make-up contributions.

''The Federal Erroneous Retirement Coverage Corrections Act'' provides a comprehensive solution to the problems faced by Federal employees due to retirement coverage erros—it does so at a reasonable cost and without creating unnecessary administrative burdens.

I invite my colleagues to support this effort to address a serious problem affecting Federal employees and their families.

Mr. President, I ask unanimous consent that a copy of the section-by-section analysis of the bill be printed in the RECORD.

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

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT—SECTION-BY-SECTION ANALYSIS

The ''Federal Erroneous Retirement Coverage Corrections Act'' would provide a remedy to federal employees who have been placed in the wrong retirement system.

Section 1: Provides the short title (''Federal Erroneous Retirement Coverage Corrections Act'') and the Table of Contents.

Section 2: Defines the terms used throughout the Act.

Section 3: Provides coverage for all errors that have been in effect for at least three years of service after December 31, 1986.

Section 4: Provides that elections made under this Act are irrevocable.

TITLE I: DESCRIPTION OF RETIREMENT COVERAGE ERRORS AND MEASURES FOR RECTIFICATION

This title details the specific types of retirement coverage errors and the remedies provided by the Act.

Subtitle A: Covers employees and annuitants who should have been FERS covered, but were erroneously covered under CSRS or CSRS Offset. These individuals have a choice between correction to FERS or be covered by CSRS Offset. Includes provisions that allow all employee contributions, and earnings thereon, to remain in the TSP account if CSRS Offset is elected.

Subtitle B: Covers employees who should have been covered by a retirement plan (CSRS, CSRS Offset, or FERS), but were erroneously covered by Social Security only. In all cases, coverage is corrected to the appropriate plan so that the employee has retirement coverage.

Subtitle C: Covers employees who should have been covered by Social Security only, but were erroneously covered by CSRS or CSRS Offset. These individuals have a choice between correction to Social Security only or be covered by CSRS Offset.

Subtitle D: Covers employees who should have been covered by CSRS, CSRS Offset, or Social Security only, but were erroneously covered by FERS. These individuals have a choice between remaining in FERS or correction to the appropriate plan. Includes provisions that allow all employee contributions, and earnings thereon, to remain in the TSP account if coverage other than FERS is elected.

Subtitle E: Covers employees who should have been covered by CSRS Offset, but were erroneously covered by CSRS. Coverage is corrected to CSRS Offset to conform with Social Security coverage law.

Subtitle F: Covers employees who should have been covered by CSRS, but were erroneously covered by CSRS Offset. Coverage is corrected to CSRS to conform with Social Security coverage law.

TITLE II: GENERAL PROVISIONS

Section 201: Requires that all government agencies make reasonable efforts to identify and notify individuals affected by retirement coverage errors.

Section 202: Authorizes OPM, SSA, and TSP to obtain any information necessary to carry out the responsibilities of this Act.

Section 203: Provides for payment of interest on certain deposits made by employees that, due to correction of a retirement coverage error, are returned to the employee. Allows retirement credit for certain periods of service without payment of a service credit deposit. Provides that the retirement or survivor benefit is actuarially reduced by the amount of deposit owed.

Section 204: Provides that the employing agency pays any employer OASDI taxes due for the period of erroneous coverage, subject to the three-year statute of limitations in the Internal Revenue Code. OPM will transfer excess employee retirement deductions to the OASDI Trust Funds to fund the employee share of the OASDI taxes. In no case will an employee be required to pay additional OASDI taxes.

Section 205: Provides that certain employees who missed an opportunity to contribute to TSP due to a coverage error may receive interest on their own TSP make-up contributions. ''Lost'' interest will be paid by the employing agency. Note: Current law already provides that certain employees who missed an opportunity to contribute to TSP due to a coverage error may receive agency matching contributions on TSP make-up contributions, agency automatic one percent contributions to TSP, and interest on both.

Section 206: Provides that employing agencies may not remove excess agency retirement contributions from the Civil Service Retirement and Disability Fund.

Section 207: Requires that agencies obtain written approval from OPM before placing certain employees under CSRS coverage.

Section 208: Authorizes the Director of OPM to extend deadlines, reimburse individuals for reasonable expenses incurred by reason of the coverage error or for losses, and waive repayments required under the Act.

Section 209: Authorizes OPM to prescribe regulations to administer the Act.

TITLE III: OTHER PROVISIONS

Section 301: Makes remedies provided under the Act also available to employees of

the Foreign Service and the Central Intelligence Agency.

Section 302: Authorizes payments from the Civil Service Retirement and Disability Fund for administrative expenses incurred by OPM and for other payments required under the Act.

Section 303: Allows individuals to bring suit against the United States Government for matters not covered under this Act.

Section 304: Provides that the Act is effective from the date of enactment.

TITLE IV: TAX PROVISIONS

Section 401: Provides that transfers and payments of contributions under this Act will not result in an income tax liability for affected employees.

TITLE V: MISCELLANEOUS RETIREMENT PROVISIONS

Section 501: Allows portability of service credit between Federal Reserve service and FERS.

Section 502: Provides technical amendments to chapter 84 of title 5, United States Code, that allow certain transfers to other federal retirement systems to be treated as separations from federal services for TSP purposes.

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By Mr. LEAHY (for himself, Mr. HATCH, Mr. BIDEN, Mr. DEWINE, and Mr. SCHUMER):

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; to the Committee on the Judiciary.

NATIONAL ACADEMY FOR LAW ENFORCEMENT TRAINING ATTENDANCE LEGISLATION

Mr. LEAHY. Mr. President, I am pleased to introduce with Senators HATCH, BIDEN, DEWINE, and SCHUMER, a bill to provide railroad police officers the opportunity to attend the Federal Bureau of Investigation's National Academy for law enforcement training in Quantico, Virginia.

The FBI is currently authorized to offer the superior training available at the FBI's National Academy only to law enforcement personnel employed by state or local units of government. Police officers employed by railroads are not allowed to attend this Academy despite the fact that they work closely in numerous cases with Federal law enforcement agencies as well as State and local law enforcement. Providing railroad police with the opportunity to obtain the training offered at Quantico would improve inter-agency cooperation and prepare them to deal with the ever increasing sophistication of criminals who conduct their illegal acts either using the railroad or directed at the railroad or its passengers.

Railroad police officers, unlike any other private police department, are commissioned under State law to enforce the laws of that State and any other State in which the railroad owns property. As a result of this broad law enforcement authority, railroad police officers are actively involved in numerous investigations and cases with the FBI and other law enforcement agencies.

For example, Amtrak has a police officer assigned to the New York City Joint Task Force on Terrorism, which is made up of 140 members from such disparate agencies at the FBI, the U.S. Marshals Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms. This task force investigates domestic and foreign terrorist groups and responds to actual terrorist incidents in the Metropolitan New York area.

Whenever a railroad derailment or accident occurs, often railroad police are among the first on the scene. For example, when a 12-car Amtrak train derailed in Arizona in October 1995, railroad police joined the FBI at the site of the incident to determine whether the incident was the result of an intentional criminal act of sabotage.

Amtrak police officers have also assisted FBI agents in the investigation and interdiction of illegal drugs and weapons trafficking on transportation systems in the District of Columbia and elsewhere. In addition, using the railways is a popular means for illegal immigrants to gain entry to the United States. According to recent congressional testimony, in 1998 alone, 33,715 illegal aliens were found hiding on board Union Pacific railroad trains and subject to arrest by railroad police.

With thousand of passengers traveling on our railways each year, making sure that railroad police officers have available to them the highest level of training is in the national interest. The officers that protect railroad passengers deserve the same opportunity to receive training at Quantico that their counterparts employed by State and local governments enjoy. Railroad police officers who attend the FBI National Academy in Quantico for training would be required to pay their own room, board and transportation.

This legislation is supported by the FBI, the International Association of Chiefs of Police and the National Railroad Passenger Corporation.

I urge prompt consideration of this legislation to provide railroad police officers with the opportunity to receive training from the FBI that would increase the safety of the American people. I ask unanimous consent that a copy of the bill and letters from the National Railroad Passenger Corporation's Chief of Police, Ernest R. Frazier, and Amtrak's President and CEO, George Warrington, be printed in the RECORD.

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

S. 1235

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

**SECTION 1. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.**

(a) IN GENERAL.—Section 701(a) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''State or unit of local government'' and inserting ''State, unit of local government, or rail carrier''; and

(B) by inserting '', including railroad police officers'' before the semicolon; and (2) in paragraph (3)—

(A) by striking ''State or unit of local government'' inserting ''State, unit of local government, or rail carrier'';

(B) by inserting ''railroad police officer,'' after ''deputies,'';

(C) by striking ''State or such unit'' and inserting ''State, unit of local government, or rail carrier''; and

(D) by striking ''State or unit.'' and inserting ''State, unit of local government, or rail carrier.''.

(b) RAIL CARRIER COSTS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

''(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).''.

(c) DEFINITIONS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

''(e) DEFINITIONS.—In this section—

''(1) the terms 'rail carrier' and 'railroad' have the meanings given such terms in section 20102 of title 49, United States Code; and

''(2) the term 'railroad police officer' means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.''.

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NATIONAL RAILROAD PASSENGER CORP., POLICE DEPARTMENT,
*Philadelphia, PA, March 29, 1999.*

Senator PATRICK LEAHY,
*Russell Senate Office Building,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: I am very grateful that you have agreed to support legislation which will allow railroad police officers to attend the FBI Training Academy. Your recognition of the importance of this bill speaks highly of your respect for law enforcement.

The FBI Training Academy offers training for upper and middle-level law enforcement officers. The curriculum focuses on leadership and management training. The completion of this training allows the law enforcement professional to play a significant role in developing a higher level of competency, cooperation, and integrity within the law enforcement community.

Railroad police officers are sworn officers charged with the responsibility of enforcing state and local laws in any jurisdiction in which the rail carrier owns property. In their efforts to provide quality law enforcement services to our transportation systems, railroad police officers should have access to the premier training that is currently offered to other police agencies.

Thank you again for your support of the legislation that will provide FBI Training to railroad police officers. Please do not hesitate to contact me on this issue, or any matter of mutual concern.

Sincerely,

ERNEST R. FRAZIER, Sr., Esq.

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NATIONAL RAILROAD PASSENGER CORP.,
*Washington, DC, April 6, 1999.*

Hon. PATRICK LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: I want to take this opportunity to express my thanks for your

support of the Amtrak Police by introducing legislation that would allow railroad police officers to attend the Federal Bureau of Investigation Training Academy.

Amtrak relies on its well-trained officers to serve and protect its customers, employees, trains and stations. It is critical that they are afforded quality training opportunities, such as what the FBI Academy offers, to effectively carry out their duties. I am proud that Amtrak has the privilege of working with this fine group of men and women, and I wholeheartedly support any measure that would enhance their job performance.

Again, thank you for your support of passenger rail and the dedicated law enforcement officers who help make safe travel possible.

Sincerely,

GEORGE D. WARINGTON,
*President and CEO.*

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By Mr. GRAHAM (for himself, Mr. MACK, Mr. BINGAMAN, Mr. INOUYE, Mr. INHOFE, Mr. BURNS, Mr. BAUCUS, Mr. CRAPO, Mr. CRAIG, and Mrs. FEINSTEIN):

S. 1239. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

SPACEPORT INVESTMENT ACT

Mr. GRAHAM. Mr. President, today I rise with my colleagues, Senators MACK, BINGAMAN, INOUYE, INHOFE, BURNS, BAUCUS, CRAPO, CRAIG, and FEINSTEIN, to introduce legislation entitled the Spaceport Investment Act.

On May 25th, the Cox Commission Report revealed alarming and longstanding instances of Chinese espionage that have damaged our national security. In addition to the theft of nuclear secrets at our National Laboratories, the Cox Report highlighted assistance provided by U.S. satellite manufacturers to Chinese military and civilian launch vehicles. Mr. President, we have helped to create the conditions leading to this sorry state of affairs. To borrow from Pogo, we have met the enemy, and it is us.

U.S. satellite manufacturers have faced increasing pressure to consider the use of foreign launch vehicles, due to a lack of a sufficient domestic launch capability.

The Cox Report recognized these facts specifically at recommendation number 24. I quote from the Report: ''In light of the impact on U.S. national security of insufficient domestic, commercial space-launch capacity and competition, the Select Committee recommends that appropriate congressional committees report legislation to encourage and stimulate further the expansion of such capacity and competition.''

Mr. President, we must address this problem.

Last year, along with Senator MACK, I proposed, Congress passed, and the President signed into law the Commercial Space Act. Congressman DAVE WELDON provided crucial leadership in the House on this issue.

The Commercial Space Act helped break the federal government's monopoly on space travel by establishing a licensing framework for private sector reusable launch vehicles. The Act also provided for the conversion of excess ballistic missiles into space transportation vehicles, helping to reduce the cost of access to space.

Mr. President, to follow-up on the Commercial Space Act this year, I plan to introduce a number of initiatives to further help the commercial space industry in this country. The first of these initiatives is my proposal to stimulate infrastructure development by attracting private sector investment capital to our nation's launch facilities. My proposal achieves this purpose by addressing an issue of great importance to our country's commercial space transportation industry—tax exempt status for spaceport facility bonds. The legislation clarifies that spaceports are eligible for tax exempt financing to the same extent as publicly-owned airports and seaports. This bill will stimulate the growth of spaceports in this country by attracting private sector investment capital for infrastructure improvement, leading directly to the expansion of U.S. launch capacity and competition.

Spaceports are subdivisions of state government. They attract and promote the U.S. commercial space transportation industry by providing launch infrastructure in addition to that available at federal facilities. Spaceport authorities operate much like airport authorities by providing economic and transportation incentives to industry and surrounding communities.

The Spaceport Florida Authority was the first such entity, created as a subdivision of state government by Florida's Governor and State Legislature in 1989. Its purpose is to attract space related businesses by providing a supportive and coordinated environment for space related economic growth and educational development. Since its creation, Spaceport Florida estimates that it has been involved in space-related construction and investment projects worth more than $100 million. These efforts include the modification and conversion of Launch Complex 46 from a military to commercial facility. NASA's Lunar Prospector was launched from this site on January 6, 1998, the first launch conducted from a spaceport.

There are presently four spaceports throughout the country in Florida, California, Virginia, and Alaska, and more than ten others are under consideration. States considering the development of spaceports include Mississippi, Texas, New Mexico, Oklahoma, Montana, Nevada, North Carolina, Louisiana, Utah, and Idaho.

Our Nation's commercial space transportation industry includes not only spaceports themselves and providers of launch services, but also companies which develop needed infrastructure for testing and servicing launch vehicles and their components. This industry faces increasing pressure from government sponsored or subsidized competition from Europe, China, Japan, India, Australia, and Russia. The French Government, for example, indirectly provides Arianespace with most of its infrastructure, including real and personal property. In countries with non-market economies, such as China, the government provides all real and personal property as well as labor necessary to build satellites and launch vehicles.

Mr. President, my proposal does not provide direct federal spending for our commercial space transportation industry. Instead, it creates the conditions necessary to stimulate private sector capital investment in infrastructure. This is an efficient means of achieving our ends.

Mr. President, to be state of the art in space requires state of the art financing on the ground.

I urge my colleagues in the Senate to join us in this important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1239

*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 ''Spaceport Investment Act''.

**SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.**

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended to read as follows:

''(1) airports and spaceports,''.

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

''(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

''(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.''.

(c) BOND MAY BE FEDERALLY GUARANTEED.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

''(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

''(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon,

the use of the spaceport by the United States (or any agency or instrumentality thereof).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

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By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. COCHRAN, Mr. HUTCHINSON, Ms. COLLINS, Mrs. LINCOLN, Mr. SHELBY, Ms. SNOWE, Mrs. MURRAY, Mr. SESSIONS, Mr. SMITH of Oregon, Mrs. HUTCHISON, Mr. GRAMS, and Ms. LANDRIEU):

S. 1240. a bill to amend the Internal Revenue Code of 1986 to provide a partial inflation adjustment for capital gains from the sale or exchange of timber; to the Committee on Finance.

REFORESTATION TAX ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise to offer bipartisan legislation that would help ensure that our Nation maintains its position as a world leader in the forest products industry. I am pleased to be joined by Senators BREAUX, GORTON, COCHRAN, TIM HUTCHINSON, COLLINS, LINCOLN, SHELBY, SNOWE, MURRAY, SESSIONS, GORDON SMITH, KAY BAILEY HUTCHISON, ROD GRAMS, and MARY LANDRIEU.

This industry is vital to the United States' economy. It ranks in the top ten of the country's manufacturing industries, representing 7.8 of the manufacturing work force. It employs 1.5 million workers, with a payroll of $40.8 billion. I ask my colleagues to attempt to imagine a single minute of their day that does involve the utilization of a forest product—from the paper this speech is written on, to the desk and chair in my office, to the lumber in my house, to the box my computer arrives in. Clearly, the health of the world economy is dependent on a vibrant forest products industry.

At the same time, the industry is facing serious international competitive threats. New capacity growth is now taking place in other countries, where forestry, labor and environmental practices may not be as responsible as those in the U.S. Additionally, a recent study using the Joint Committee on Taxation's estimating model shows that the U.S. forest products industry has the second highest tax burdens in the world—55 percent.

The Reforestation Tax Act recognizes the unique nature of timber and the overwhelming risks that accompany investment in this essential natural asset, and attempts to place the industry on a more competitive footing with our competitors. In short, it would reduce the capital gains paid on timber for both individuals and corporations and expand the current reforestation credit. Because it often takes decades for a tree to grow to a marketable size, it is important that we look carefully at the long-term return on investment and the treatment of the costs associated with owning and planting of timber.

The first part of the Reforestation Tax Act would provide a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held (3% per year). The maximum reduction allowed would be 50 percent. Thus, if the taxpayer held the timber for 17 years, the effective tax rate for corporate holdings would be 17.5% and the rate for most individuals would be 10%.

The second part of the bill would encourage replanting by lifting the existing cap on the reforestation tax credit and amortization provisions of the tax code. Currently, the first $10,000 of reforestation expenses are eligible for a 10 percent tax credit and can be amortized over 7 years. No additional expenses are eligible for either the credit or the deduction, meaning that most reforestation expenses are not recoverable until the timber is harvested. The legislation removes the $10,000 cap and allows all reforestation expenses to qualify for the tax credit and to be amortized over a 5-year period. This change in the law will provide a strong incentive for increased reforestation by eliminating the arbitrary cap on such expenses.

These tax changes will provide a strong incentive for landowners of all sizes to not only plant and grow trees, but also to reforest their land after harvest. This is key to maintaining a long-term sustainable supply of fiber and to keeping land in a forested state.

Besides ensuring fairness, the Reforestation Tax Act will encourage sound forestry practices that keep our environment healthy for the future. Timberlands held by corporations help reduce the demand for timber from public lands. Moreover, by sequestering carbon, managed forests help to offset emissions that contribute to the ''greenhouse effect.'' Unfortunately, the current high tax burden on forest assets runs counter to our nation's commitment to preserve and invest in the environment. This bill would encourage reforestation—or reinvestment in the environment—by extending tax credits for all reforestation expenses and shortening the amortization period for reforestation costs and by making investment in timber viable. As we consider policies to counteract global warming and improve water quality, we need to ensure that our tax policy is aligned with and encourages sound forestry practices.

Mr. President, this legislation is supported by labor and business—large and small. I ask unanimous consent that a copy of the bill and a letter signed by over 75 CEOs from the forest products industry and a letter from the United Brotherhood of Carpenters and Joiners of America be printed in the RECORD.

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

S. 1240

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

**SECTION 1. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.**

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

**''SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.**

''(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the qualified percentage of such gain.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means gain from the disposition of timber which the taxpayer has owned for more than 1 year.

''(c) QUALIFIED PERCENTAGE.—For purposes of this section, the term 'qualified percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

''(1) 3 percent, by

''(2) the number of years in the holding period of the taxpayer with respect to the timber.

''(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion of (if any) the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.''

(b) COORDINATION WITH MAXIMUM RATES OF TAX ON NET CAPITAL GAINS.—

(1) Section 1(h) of such Code (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(14) QUALIFIED TIMBER GAIN.—For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203.''

(2) Subsection (a) of section 1201 of such Code (relating to the alternative tax for corporations) is amended by inserting at the end the following new sentence:

''For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203.''

(c) ALLOWANCE OF DEDUCTION IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) PARTIAL INFLATION ADJUSTMENT FOR TIMBER.—The deduction allowed by section 1203.''

(d) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''

(2) The last sentence of section 453A(c)(3) of such Code is amended by striking ''(whichever is appropriate)'' and inserting ''or the deduction under section 1203 (whichever is appropriate)''.

(3) Section 641(c)(2)(C) of such Code is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction under section 1203.''

(4) The first sentence of section 642(c)(4) of such Code is amended to read as follows: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable under section 1202, and any deduction allowable under section 1203, to the estate or trust.''

(5) The last sentence of section 643(a)(3) of such Code is amended to read as follows: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''

(6) The last sentence of section 643(a)(6)(C) of such Code is amended by inserting ''(i)'' before ''there shall'' and by inserting before the period '', and (ii) the deduction under section 1203 (relating to partial inflation adjustment for timber) shall not be taken into account''.

(7) Paragraph (4) of section 691(c) of such Code is amended by inserting ''1203,'' after ''1202,''.

(8) The second sentence of paragraph (2) of section 871(a) of such Code is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Partial inflation adjustment for timber.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1998.

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UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
*Portland, OR, May 27, 1999.*

Hon. BILL ARCHER,
*Chairman, U.S. House Ways and Means Committee, Washington, DC.*
Hon. CHARLES RANGEL,
*Ranking Minority Member, U.S. House Ways and Means Committee, Washington, DC.*

DEAR CHAIRMAN ARCHER AND REPRESENTATIVE RANGEL: On behalf of the United Brotherhood of Carpenters and Joiners of America (UBC), I am asking you to support HR 1083, ''The Reforestation Tax Act,'' introduced by Representative Jennifer Dunn (R–WA).

The UBC represents 500,000 members across the country, including 30,000 sawmill, pulp and paper workers in the forest products industry. Our members manufacture the wood and paper products used around the globe every day and are concerned with the industry's ability to compete in the future.

The forest products industry has changed dramatically over the last decade, and today we find ourselves at a competitive disadvantage in the global market. Foreign companies, whose wages are far below American standards, have easy access to the American market. At the same time they are keeping American products out of their own markets through tariff and other barriers to trade. U.S. negotiators and the U.S. forest products industry are working to lessen this trade threat, but there is obviously no guarantee our foreign competitors will agree to eliminate what is a significant benefit for them. Progress could take additional years our industry may not have.

The U.S. tax code, however, is one area where the U.S. government can help to mitigate these factors. And that is why we ask for your support of the Reforestation Tax Act. HR 1083 eliminates current inequities between our tax code and the tax treatment given to our competitor industries overseas. It levels the playing field for the U.S. forest products industry, ensuring the long-term viability of high-paying, high skilled jobs. The bill also provides incentives for reforestation activities critical to the future of our industry, our workers and our forests.

Please support this legislation that is important to the working men and women in the forest products industry. Thank you for your consideration.

Sincerely,

MICHAEL DRAPER

AMERICAN FOREST & PAPER ASSOCIATION,
*Washington, DC, May 26, 1999.*

Hon. BILL ARCHER,
*Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.*
Hon. CHARLES RANGEL,
*Ranking Member, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN AND REP. RANGEL: As the committee begins its work on tax legislation to be considered by Congress later this year, the American Forest & Paper Association (AF&PA), including the undersigned chief executives within the forest products industry, strongly urge you to include in the committee's bill the provisions of H.R. 1083, the Reforestation Tax Act of 1999. Our industry is united in the conviction that this legislation is critically needed to help American companies and workers complete in a global economy, restore equity to the tax code, and encourage future investments in sound, sustainable forestry.

The planting, growing, harvesting and sustained management of timberlands is a vital component of the U.S. economy. The forest products industry employs more than 1.5 million workers, and in 46 states, our industry ranks as one of the top ten manufacturing industries. More than 9.3 million private owners hold and manage more than 390 million acres of timberlands in the U.S.

While our products and businesses may vary, all of us are affected by policies that make it increasingly difficult for U.S. companies and workers to compete in international markets. Just last year, the respected firm of Price Waterhouse Coopers—using the same economic model used by the Joint Committee on Taxation—found that the effective tax rate for U.S. forest products companies was 55%—the second highest among major competitors (Brazil, Canada, Finland, Indonesia, and Japan).

The competitive factors we now face have changed dramatically over the past 10 years. We are not competing on a level playing field with our major international competitors, and this inequity is very obvious in the area of tax.

H.R. 1083 would address some of the government-imposed obstacles to U.S. competitiveness. The legislation would assure that all taxpayers that own timber and manage it sustainably over many years are treated equitably, and it would restore the historical balance in tax rates among various forms of timberland ownership. Additionally, the bill offers incentives to landowners of all sizes to plant and grow trees and to reforest their land after harvest. Thus, H.R. 1083 offers environmentally sound, pro-growth policies to promote sustainable forestry, encourage reforestation and help U.S. workers and companies compete.

The Reforestation Tax Act represents a balanced, bipartisan approach to structural problems that affect an important American industry, and we urge your support for this legislation.

Sincerely,

W. Henson Moore, President & CEO, American Forest & Paper Association.

John Luke, Chairman, President & CEO, Westvaco Corporation.

George W. Mead, Chairman, Consolidated Papers, Inc.

Rick Holley, Chairman, AF&PA, President & CEO, PlumCreek Timber Company.

Kenneth Jastrow, President & COO, Temple-Inland Inc.

David B. Ferraro, President & COO, Buckeye Technologies Inc.

Colin Moseley, Chairman, Simpson Timber Co.

Mark A. Suwyn, President, Chairman & CEO, Louisiana-Pacific Corporation.

Richard E. Olsen, Chairman & CEO, Champion International Corporation.

Jerome F. Tatar, Chairman, President & CEO, Mead Corporation.

Joe Gonyea, II, President & CEO, Timber Products Company.

Thomas M. Hahn, President & CEO, Garden State Paper Company.

Duane C. McDougall, President & CEO, Willamette Industries, Inc.

Alex Kwader, President & CEO, Fibermark, Inc.

R.P. Wollenberg, Chairman, President & CEO, Longview Fibre Company.

William C. Blanker, Chairman & CEO, Esleeck Manufacturing Co., Inc.

Paul T. Stecko, Chairman & CEO, Packaging Corporation of America.

Robert A. Olah, President & CEO, Crown Vantage.

B. Bond Starker, President, Starker Forest Inc.

Leroy J. Barry, President & CEO, Madison Paper Industries.

Raymond M. Curan, President & CEO, Smurfit-Stone Container Corp.

Steven R. Rogel, Chairman, President & CEO, Weyerhauser Company.

John T. Dillon, Chairman & CEO, International Paper Company.

Richard G. Verney, Chairman & Chairman, Monadnock Paper Mills, Inc.

Arnold M. Nemirow, Chairman & CEO, Bowater Inc.,

Marvin Pomerantz, Chairman & CEO, Gaylord Container Corporation.

Edward P. Foote, Jr., President & CEO, Cellu Tissue Coporation.

J.M. Richards, President & CEO, Potlatch Corporation

Bradley Currey, Jr., Chairman & CEO, Rock-Tenn Company.

David C. Hendrickson, President & CEO, FSC Paper Company.

W. L. Nutter, Chairman, President & CEO, Rayonier Inc.

Dan M. Dutton, President & CEO, Stimson Lumber Company.

Wayne J. Gullstad, President, CityForest Corporation.

James H. Stoehr, III, President, Robbins, Inc.

Gerald J. Fitzpatrick, President, Fitzpatrick & Weller, Inc.

J. Edward French, President, French Paper Company.

Jack Rajala, President, Rajala Companies.

Robert D. Bero, President & CEO, Mensaha Corporation.

Gorton M. Evans, President & CEO, Consolidated Papers, Inc.

Gerard J. Griffin, Jr., Chairman, Merrimac Paper Company.

Paul D. Webster, President, Webster Industries.

Edward A. Leinss, Chairman, Ahlstron Filtration Inc.

James L. Burke, President & CEO, Southwest Paper Manufacturing Co.

L. N. Thompson, III, President, T & S Hardwoods Inc.

James E. Warjone,, Chairman & CEO, Port Blakely Tree Farms, L.P.

Richard Connor, Jr., President Pine River Lumber Company, LTD.

Pierre Monahan, President & CEO, Alliance Forest Products, Inc.

L.T. Murray, II, Vice President, Murrary Pacific Corporation.

Stephen W. Schley, President, Pingree Associates, Inc.

Galen Weaber, President, Weaber, Inc.

George Jones, III, President, Seaman Paper Company.

Bartow S. Shaw, Jr., Chairman, Shaw McLeod, Belser, and Hurlbutt

Richard J. Carota, Chairman, President & CEO, Finch, Pruyn & Company, Inc.

William G. Hopkins, CEO, Paper-Pak Products.
A. W. Kelly, President, The Crystal Tissue Company.
Jay J. Gurandiano, President & CEO, St. Laurent Paperboard Inc.
William H. Davis, Chairman, President & CEO, Gilman Paper Company.
Terry Freeman, President, Bibler Brothers Lumber Company.
James F. Kress, Chairman, Green Bay Packaging Inc.
Joseph H. Torras, Chairman, & CEO, Eastern Pulp & Paper Company, Inc.
Charles R. Chandler, Vice Chairman, Greif Brothers Corporation.
D.A. Schirmer, President, Newsprint Sales, Abitibi Consolidated.
J. Edward Woods, President & CEO, Gulf States Paper Corporation.
William B. Johnson, President, Johnson Timber Corporation.
W.T. Richards, Chairman & CEO, Idaho Forest Industries, Inc.
William New, President & CEO, Plainwell Inc.
J.K. Lyden, President & CEO, Blandin Paper Company.
John Begley, President & CEO, Port Townsend Paper Corporation.
Harold C. Stowe, CEO, Canal Industries, Inc.
Thomas D. O'Connor, Sr., Chairman & CEO, Mohawk Paper Mills, Inc.
L.M. Giustina, Partner, Giustina.
Glen H. Duysen, Corporate Secretary, Sierra Forest Products.
Norman S. Hansen, Jr., President, Monadnock Forest Products.
D. Kent Tippy, President & CEO, Little Rapids Corporation.
Bert Martin, President, Frasier Papers, Inc.
Edwin Nagel, President, Nagel Lumber Company, Inc.
William B. Hull, President, Hull Forest Products Inc.
Charles E. Carpenter, President, North Pacific Paper Company.
Edward J. Dwyer, Vice President, Operations, Lyons Falls Pulp & Paper.
Thomas E. Gallagher, Senior Vice President, Coastal Paper Company.
Chris A. Robbins, President, EHV Weidmann Industries, Inc.
Robert Collez, General Manager, Augusta Newsprint Company.
William D. Quigg, President, Grays Harbor Paper, L.P.
Todd W. Nystrom, Vice President & General, Hull-Oakes Lumber Company.
Julius W. Nagy, Vice President, Sales and Marketing, Menominee Paper Company, Inc.
A.D. Correll, Chairman & CEO, Georgia-Pacific Corporation.
John Roadman, President, Banner Fibreboard Company.
Charles S. Nothstine, Vice President, Straubel Paper Company.

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NATIONAL ASSOCIATION
OF STATE FORESTERS,
*Washington, DC, May 12, 1999.*

Hon. BILL ARCHER,
*Chairman, House Ways and Means Committee, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We are writing to you today in strong support of several important tax proposals that are going to come before your committee in the near future. As you know, the tax code has a major impact on the management of private forest lands, lands which are coming under increasing pressure from a number of directions. As land prices and timber demand escalate, forest landowners are faced with tough decisions about the management of their lands. The current tax code can provide a major disincentive to them to properly manage their lands for long-term forestry benefits including sustainable timber production, soil erosion control, wildlife habitat, and carbon sequestration. Several changes to the tax code can help provide incentives to landowners to reforest their lands and keep them in forest cover for the foreseeable future.

First, we'd strongly encourage you to support the Reforestation Tax Act (H.R. 1083), introduced by Rep. Jennifer Dunn and Rep. John Tanner. This bill provides a lower capital gains rate for timber investments, which recognizes the inherent risks and long-term nature of forest management. It also allows landowners to claim tax credits for all of their reforestation expenses, which are currently limited to $10,000. This will provide a major incentive to landowners to make the investment to reforest, a risky commitment of capital over the long-term which provides numerous societal benefits beyond the landowner's property lines.

Representatives Dunn and Tanner have also introduced the Death Tax Elimination Act (HR 8), which we believe would have a positive impact on forest conservation as well. We encourage you to work with them to ensure that Federal estate taxes do not provide yet another incentive to forest land fragmentation.

In addition, we understand that Representative Rob Portman will introduce the Conservation Tax Incentives Act. This bill will provide a level playing field to rural landowners who want to see their lands protected from development over the long-term, but who cannot afford to simply donate their lands for conservation purposes. This is an extremely low-cost approach that will help public agencies and private land trusts protect working lands and acquire sensitive lands for future generations.

We hope you will also consider providing targeted tax incentives for landowners to manage their lands in ways that benefit species of wildfire that are listed or are candidates for listing under the Endangered Species Act.

The National Association of State Foresters is a national non-profit organization made up of the directors of the State Forestry agencies from all 50 States, several U.S. territories, and the District of Columbia. Our membership supports legislation that helps provide incentives to landowners to engage in long-term, sustainable forest management. We hope you will give the proposals discussed above your strongest consideration.

Sincerely,

GARY L. HERGENRADER,
*President.*

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By Mr. ASHCROFT (for himself, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. JEFFORDS, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, and Mr. SHELBY):

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, on behalf of the Senator from Texas, Senator HUTCHISON, and myself, I am pleased to reintroduce the Family Friendly Workplace Act. I also am pleased to include a list of 34 colleagues as original cosponsors. It is an opportunity to address a very important need for American families—spending more time together.

Over the past four years, we have been talking about the difficulty that parents have balancing work and family obligations. I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

The second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. We are a culture that says if you work well, you should be paid well. If you have merit, you should be rewarded. If you take risks and succeed—you represent the engine that drives America forward.

The difficult issue that faces us as a nation, is how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions and where Government somehow does not have rules or interference that keeps people from resolving those tensions.

For example, there are a lot of times when an individual would say on Friday afternoon to his boss or her boss, ''My daughter is getting an award at the high school assembly today. Can I have an extended lunch hour, maybe just 1 hour so that I can see my daughter get the award? I would like to reinforce, I would like to give her an 'atta girl,' I would like to hug her and say, 'You did a great job, this is the way you ought to work and conduct yourself, it is going to mean a lot to yourself and our family and our country if you keep it up.'''

Right now, it is illegal for the boss to say, ''I will let you take an hour on Friday and you can make it up on Monday,'' because it is in a different 40-hour week. You cannot trade 1 hour for 1 hour from one week to the next. That

will make one week a 41-hour week and will go into overtime calculation. Since most bosses do not want to be involved in overtime, it just does not happen.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half for your overtime. But at some point, you would rather have the time than the money. If the employer agreed to it voluntarily—both parties—we ought to let that happen. It is against the law.

Some employers even want to go so far as to help their families by saying instead of doing 1 week for 40 hours, we would be willing, if you wanted to and on a voluntary basis, let the worker average 40 hours over a 2-week period regularly, so you would only work 9 days in the 2 weeks, but you would work 45 hours the first week and 35 hours the second week and have every other Friday off so you could take the kids to the dentist or drop by the department of motor vehicles and get the car licensed or visit the governmental offices that are not open on Saturday. It is against the law to do that now.

What I have described are two ways to tackle these time problems. First, is the option—when you work overtime, to get in time rather than money—if that is what you want to do. Second, you could schedule a work schedule to fill your needs by spreading 80 hours over two weeks to better accommodate your needs and the needs of your families.

Both of these things are available in the Federal Government and for governmental entities. Since 1978, the Federal Government has said it is OK to swap comp time off instead of overtime pay. The Federal Government also said if you want to have some flexible scheduling so that every other Friday or every other Monday is off, that is something we can work with you on.

It is totally voluntary—voluntary for the worker, it is voluntary for the Federal Government employer or administrator. Neither can force the other because we do not want to force people to work overtime or take comp time, but we want to allow Americans to make choices which will help them resolve the tensions between the home place and the workplace, these two values that are in competition.

These potentials, which exist for Federal workers, it occurs to me, ought to be able to be available to workers in the private sector as well, were we not to be locked into the hard and fast rules of the 1930's. That was a time when Henry Ford said, ''You can have your Ford any color you want so long as it is black.'' Things were not quite as flexible then as they are now, and families did not need the flexibility then as they do now. With 70 to 80 percent of all mothers of school-age children now working and two parents working in all those settings, and the tension between work and home, I think we ought to have more flexibility at the option of both the employer and the worker, only when it is agreed to.

That is really the subject of the Family Friendly Workplace Act which we reintroduce today. It is a way of saying we need to allow families to work out the conflict that exists between these important values that are crucial and so fundamental to the success of this culture in the next century, not just fundamental to the success of our culture, but fundamental to the success of our own families.

## ADDITIONAL COSPONSORS

S. 56

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 195

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 195, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit.

S. 222

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 326

At the request of Mr. GREGG, his name was added as a cosponsor of S. 326, a bill to improve the access and choice of patients to quality, affordable health care.

S. 329

At the request of Mr. ROBB, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 386

At the request of Mr. GORTON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 400

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 400, a bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 401, a bill to provide for business development and trade promotion for native Americans,and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 434

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 541

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 607, a bill reauthorize and amend

the National Geologic Mapping Act of 1992.

S. 613

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 613, a bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

S. 614

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 614, a bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 674

At the request of Mr. FITZGERALD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 674, a bill to require truth-in-budgeting with respect to the on-budget trust funds.

S. 680

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 707

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 707, a bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 751

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 821

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 821, a bill to provide for the collection of data on traffic stops.

S. 832

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 880

At the request of Mr. INHOFE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 944

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 944, a bill to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 978

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1006

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1006, a bill to end the use of conventional steel-jawed leghold traps on animals in the United States.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) 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. 1023

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1023, supra.

S. 1024

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1128

At the request of Mr. KYL, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1150

At the request of Mr. HATCH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1203

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1203, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of ''In Memory'' Day.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa

(Mr. GRASSLEY), the Senator from California (Mrs. BOXER), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

## SENATE CONCURRENT RESOLUTION 40—COMMENDING THE PRESIDENT AND THE ARMED FORCES FOR THE SUCCESS OF OPERATION ALLIED FORCE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, Mr. REID, Mr. AKAKA, Mr. BROWNBACK, Mr. BAUCUS, Mr. COVERDELL, Mr. BAYH, Mr. DOMENICI, Mr. BIDEN, Mr. GRASSLEY, Mr. BINGAMAN, Mr. HUTCHINSON, Mrs. BOXER, Mr. JEFFORDS, Mr. BREAUX, Ms. SNOWE, Mr. BRYAN, Mr. SPECTER, Mr. BYRD, Mr. STEVENS, Mr. CLELAND, Mr. CONRAD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 40

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces; Now, therefore, be it

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

(1) The Congress expresses the appreciation of the Nation to:

(A) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(B) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(C) President Clinton, Commander in Chief of U.S. Armed Forces, for his leadership during Operation Allied Force.

(D) Secretary of Defense William Cohen, Chairman of the Joint Chiefs of Staff General Henry Shelton and Supreme Allied Commander-Europe General Wesley Clark, for their planning and implementation of Operation Allied Force.

(E) Secretary Albright and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(F) All of the forces from our NATO allies, who served with distinction and success.

[(G) The front line states, Albania, Macedonia, Bulgaria and Romania, who experience firsthand the instability produced by the Federal Republic of Yugoslavia's policy of ethnic cleansing.]

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

## SENATE RESOLUTION—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO ADDRESS THE CULTURAL CRISIS FACING AMERICA

Mr. BROWNBACK (for himself, Mr. LOTT, Mr. ALLARD, Mr. ABRAHAM, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 124

*Resolved,*

**SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.**

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on Culture (hereafter in this resolution referred to as the ''special committee'').

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the causes and reasons for the substantial social and cultural regression;

(2) to make such findings of fact as are warranted and appropriate, including the impact that such negative cultural trends and developments have had on our broader society, particularly in regards to child well-being; and

(3) to explore a means of cultural renewal and make recommendations, including such recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a) (1) and (2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

**SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.**

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

**SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.**

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be—

(1) issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman; and

(2) served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee

of any committee of the Senate and on a nonreimbuseable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of the special committee.

**SEC. 4. REPORT AND TERMINATION.**

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate prior to December 31, 2000.

**SEC. 5. FUNDING.**

(a) IN GENERAL.—From the date this resolution is agreed to through December 31, 2000, the expenses of the special committee incurred under this resolution shall be paid out of the miscellaneous items account of the contingent fund of the Senate and shall not exceed $250,000 for the period beginning on the date of adoption of this resolution through March 1, 2000, and $250,000 for the period of March 1, 2000 through December 31, 2000, of which amount not to exceed $75,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the miscellaneous items account of the contingent fund of the Senate.

## AMENDMENTS SUBMITTED

### EMERGENCY SUPPLEMENTAL, KOSOVO, SOUTHWEST ASIA, 1999

### MCCAIN AMENDMENT NO. 685

Mr. MCCAIN proposed an amendment to the bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 48, between lines 17 and 18, insert the following:

(c) Notwithstanding any other provision of this Act, no amount appropriated or made available under this Act to carry out chapter 1 or chapter 2 of this Act shall be available unless it has been authorized explicitly by a provision of an Act (enacted after the date of enactment of this Act) that was contained in a bill reported by the Committee or Committees of the Senate with jurisdiction over proposed legislation relating primarily to the programs described in section 101(c)(2) and 201(c)(2), respectively, under Rule XXV of the Standing Rules of the Senate or the equivalent Committee of the House of Representatives.

### MURKOWSKI AMENDMENT NO. 686

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 1664, supra; as follows.

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

''SEC. . GLACIER BAY STUDY.—The Secretary of the Interior shall, in cooperation with the Governor of Alaska, conduct a study to identify environmental impacts, if any, of subsistence fishing and gathering and of commercial fishing in the marine waters of Glacier Bay National Park, and shall provide a report to Congress on the results of such study no later than 18 months after the date of enactment of this section. During the pendency of the study, and in the absence of a positive finding that a resource emergency exists which requires the immediate closure of fishing or gathering, no funds shall be expended by the Secretary to implement closures or other restrictions of subsistence fishing, subsistence gathering, or commercial fishing in the non-wilderness waters of Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277).''

### STEVENS (AND OTHERS) AMENDMENT NO. 687

Mr. STEVENS (for himself, Mr. DOMENICI, Mr. BYRD, Mr. GRAMM, Mr. NICKLES, and Mr. FITZGERALD) proposed an amendment to the bill, H.R. 1664, supra; as follows:

On page 7, beginning on line 3, strike all through line 7.

On page 10, beginning on line 23, strike all through page 11, line 2.

On page 34, beginning on line 14, strike all through 16.

On page 9, after line 17, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 36, after line 23, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 48, beginning on line 9, strike all through line 17.

On page 6, line 7, strike all through line 13, and insert the following:

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—

(1) IN GENERAL.—There is established a Loan Guarantee Board, which shall be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 33, line 17, strike all through line 23, and insert the following:

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 32, strike lines 10 and 11, and redesignate the remaining subparagraphs and cross references thereto accordingly.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 17, 1999, to conduct a hearing on ''Export Administration Act Reauthorization: Emerging Technologies.''

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 17, 1999, at 9:30 a.m. on the following nominations: Johnnie E. Shavers—Inspector General/DOC, Cheryl Shavers—Under Secretary of Commerce for Technology, Kelly H. Carnes—Assistant Secretary of Commerce for Technology Policy, Albert S. Jacquez—Administrator/St. Lawrence Seaway Development Corporation, Mary Sheila Gall—Commissioner/CPSC, Ann Brown—Chairman/CPSC and various noncontroversial Coast Guard promotions.

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

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing on Thursday, June 17, 9:30 a.m., Hearing Room (SD–406), to receive testimony on S. 533, the Interstate Transportation of Municipal Solid Waste Control Act of 1999; and S. 872, the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999.

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

### COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 17, 1999 beginning at 10:00 a.m. in room 216 Hart.

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

### COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 17, 1999 beginning at 2:00 p.m. in room 215 Dirksen.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. 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 17, 1999 at 10:00 a.m. to hold a hearing.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for

a hearing on ''ESEA: Research and Evaluation'' during the session of the Senate on Thursday, June 17, 1999, at 10:00 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting, during the session of the Senate on Thursday, June 17, 1999, at 10:00 a.m. in Senate Dirksen, Room 226.

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

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 17, 1999 from 2–5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 17, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

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

## ADDITIONAL STATEMENTS

### BREAD FOR THE WORLD 25TH ANNIVERSARY

● Ms. SNOWE. Mr. President, I rise today to speak about Bread for the World, an organization which has dedicated itself to helping end hunger in the U.S. and throughout the world, and is celebrating its 25th Anniversary this year. I would like to take this opportunity to commend the members of Bread for the World on their 25 years of dedication to helping those less fortunate.

Bread for the World began in 1974 with a small group of Protestants and Catholics who were concerned about hunger. This group of individuals has now become a national movement with 44,000 members representing 40 denominations. In its informational campaigns around the world, and here on Capitol Hill, Bread for the World is a non-partisan organization whose legislative initiatives serve the purpose of providing assistance to those in need and, no less important, a means to provide for oneself.

Children and child nutrition programs have been a principal focus for Bread for the World. In addition, Bread for the World has advocated programs designed to help individuals in need to receive assistance and, ultimately, find a job. During my tenure here in the Senate, and earlier as a member of the House of Representatives, I have worked with Bread for the World on a number of initiatives related to these issues. Last year, the Congress passed and the President signed into law legislation backed by Break for the World, the Africa: Seeds of Hope Act, of which I was an original cosponsor. This law will redirect U.S. resources to small-scale farmers and struggling rural communities in Africa. It also established a revolving loan fund to provide food aid in response to emergency food crises throughout the world.

As a member of the board, I am pleased to commend the people of this fine organization for 25 years of dedicated efforts on behalf of Americans and people around the world who suffer from hunger.●

### 60TH ANNIVERSARY OF PEOPLE COORDINATED SERVICES

● Mrs. BOXER. Mr. President, I am pleased to offer my enthusiastic congratulations to the People Coordinated Services of Southern California, Inc., which celebrates its 60th anniversary on June 15, 1999.

The People Coordinated Services of Southern California was founded in 1939 as the Church Welfare Bureau of the Church Federation of Los Angeles. During the past 60 years, the People Coordinated Services have provided youth and family services, substance abuse, counseling senior services, and Licensed adult day care. The Agency has grown to serve more than 20,000 clients annually with a budget of more than $4,000,000.

I congratulate the People Coordinated Services of Southern California, Inc. for achieving sixty years of achievement through good deeds and service to the community. I salute them.●

### TRIBUTE TO KINGSWOOD REGIONAL HIGH SCHOOL ON BEING NAMED TOP SECONDARY SCHOOL OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor my hometown high school—Kingswood Regional High School for being selected as the 1999 Top Secondary School of the Year by the Excellence in Education Committee. The ''Excellence in Education'' award is an annual program designed to identify one elementary, middle, and secondary school that is representative of the many outstanding schools in New Hampshire.

Kingswood Regional High School was chosen for this honor because of the dedication and commitment to education by its teachers, parents, and students. Its exemplary community involvement in support curriculum has created an environment conducive to the development of young minds.

I admire Kingswood's commitment to excellence. In recent years Kingswood Regional High School has taken on challenging initiatives with outstanding results. Its achievement of academic excellence based on New Hampshire's 10th grade and SAT testing results, and ensuing Writing Across The Curriculum Project, is to be commended. Technology education is integrated throughout Kingswood Regional's curriculum and it's newly established electronics course will lead to student certification in the electronics field.

The teachers, parents, and students of this school hold a special place in my heart. My wife Mary Jo and I live in nearby Tuftonboro, and I taught history at Kingswood Regional High School. I have had the wonderful opportunity of meeting with both the students and faculty and have established strong and lasting friendships. This close relationship with the Kingswood has allowed me to witness the quality of education that is provided at this school.

As a former Kingswood Regional High School teacher and school board member. I know first hand that this school is truly deserving of this honor. Kingswood Regional High School is a testament to the tradition of molding students into successful adults. I wish to offer my most sincere congratulations and best wishes to Kingswood Regional High School. The school's achievements are truly remarkable. I am honored to represent Kingswood in the United States Senate. Go Knights!●

### IN SUPPORT OF GENERAL ERIC K. SHINSEKI'S APPOINTMENT TO THE JOINT CHIEFS OF STAFF

● Ms. MIKULSKI. Mr. President, I rise today in support of General Eric K. Shinseki's appointment as the Army's thirty-fourth Chief of Staff. As a highly decorated officer and a dedicated member of our nation's Armed Forces, I know that General Shinseki will prove to be a valuable member of the Joint Chiefs of Staff.

In his thirty-three years of service, General Shinseki has served the Armed Forces in both the continental United States and overseas. He served in the United States Army Hawaii, as well as at Fort Shafter with Headquarters, United States Army-Pacific. From March 1994 to July 1995, General Shinseki was the Executive Officer of the 1st Squadron of the 3rd Armored Cavalry Regiment at Fort Bliss, Texas.

From August 1997 until November 1998, Shinseki was the Commanding General of the United States Army-Europe and 7th army. He concurrently led NATO soldiers as the Commander of the Allied Land Forces Central Europe in Germany. Additionally, General Shinseki has served as Commander of the Stabilization Force in Bosnia-Herzegovina, and as the Army's Vice Chief of Staff.

As my colleagues know, I am a strong supporter of our men and women in uniform. I understand the difficult sacrifices they make every day in defense of our country—and our ideals. I honor the hard work and commitment that sacrifice demands. Just

as they fight for us, I fight for them and federal policies that support them.

As a result of General Shinseki's military service, he has earned the Defense Distinguished Service Medal, a Legion of Merit with oak leaf cluster, a Bronze Star Medal with ''V'' Device and two oak leaf clusters, a Purple Heart Award with oak leaf cluster, and a Meritorious Service Medal with two oak leaf clusters.

Mr. President, I know that General Eric K. Shinseki will be an instrumental contributor to the Joint Chiefs of Staff. Throughout his career he has shown his capability as a leader. His leadership and his military successes will help him to succeed as the new Army Chief of Staff. I look forward to working with him on the restructuring of TECOM to ensure that Aberdeen remains the home of Army testing. I am happy to know that General Shinseki shares the Maryland delegation's view of how important Aberdeen Proving Ground is to the Army, Maryland, and the United States. I wish General Shinseki the best in his new position.●

## PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD ''SCIENCE AT ITS BEST, SECURITY AT ITS WORST''

● Mr. DOMENICI. Mr. President, earlier this week the President's Foreign Intelligence Advisory Board released its report on security and counterintelligence operations at the nuclear weapons laboratories of the Department of Energy.

The report's title—Science at its Best, Security at its Worst—neatly encapsulates the Board's findings. This report reiterates and clearly delineates problems within our nuclear laboratories that other reports have also detailed. No one should be surprised.

Let me simply list a few of this newest report's more compelling conclusions:

At the birth of DOE, the brilliant scientific breakthroughs of the nuclear weapons laboratories came with a troubling record of security administration. Twenty years later, virtually every one of its original problems persists.

The nuclear weapons and research functions of DOE need more autonomy, a clearer mission, a streamlined bureaucracy, and increased accountability.

More than 25 years worth of reports, studies and formal inquires . . . have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.

The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself.

Lastly, the report states: Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

These findings are nothing new.

When Senators KYL, MURKOWSKI, and I introduced our amendment to the Defense Authorization calling for reorganization and streamlining within the Department of Energy, one of the charges leveled against us was that no hearings had been held on this issue. That old, tired claim that ''we need more hearings'' is used every time Congress tries to act on an urgent matter.

Sometimes that may be true. In this instance, we have undoubtedly destroyed a major forest with all the paper documenting DOE mismanagement in just the past 15 years. We have done studies; we have held hearings; the House has held hearings; we have asked for a review by the GAO, by the CRS, by outside groups, and we must have 25 pounds of recommendations gathering dust right now.

Today, my friend Secretary Richardson is implementing a new round of reforms at DOE. Mr. President, you should know that, while I have been critical of some past Secretaries for failing to give sufficient attention to these matters, Secretary Richardson is clearly indicating a willingness to tackle these issues.

However, Secretaries come and go. Reforms introduced during any specific tenure of a Secretary often do not endure after their departure. The Rudman report states, and I quote, ''the Department of Energy is incapable of reforming itself—bureaucratically and culturally—in a lasting way, even under an activist Secretary.''

I can tell you from my own experience that it is sometimes hard to figure out just who is responsible in any given situation at DOE. Under the current structure the programs within one office, comply with policies set by a second office, in accordance with procedures set by a third office, verified by a fourth office. When I look at something like that, I have to wonder, ''Who is in charge?''

The experts involved in producing the Rudmann Report asked a number of DOE officials to whom they report, who whom they were responsible. The most common response was ''it depends.''

This myriad of oversight and review does not improve performance. To the contrary, in some cases it diminishes performance. It is my view that it is frequently easier to be an overseer than the responsible party. As overseers have multiplied, the line between oversight and responsibility has been blurred and sometimes disappears. The frequent result is that, when mistakes are made, everyone thinks they were an overseer, and nobody takes responsibility.

Mr. President, the national laboratories, especially the ones in my state, literally saved millions of lives through their work in World War II and during the cold war. They abound with dedicated, patriotic, and truly gifted men and women, working for this nation's security as their top priority. We should not make the labs a scapegoat for an ineffective bureaucracy. We need a fundamental re-emphasis on the nuclear weapons work at DOE, recognizing that the rules and regimes that govern the rest of the DOE cannot be entirely used in the nuclear weapons complex.

I would like to show you an organizational chart of DOE's current structure as it pertains to our nuclear weapons program. This chart is found on page 17 of the new report. As one can readily discern, it's a toss up who or what office might have oversight in a given situation in a maze such at this. Just one glance at this chart makes the point.

The PFIAB Report demands legislative changes. Again, I quote, ''The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself.'' The PFIAB Report makes some very specific recommendations as to what changes are necessary. The authors recommend that Congress pass and the President sign legislation that:

Creates a new, semi-autonomous Agency for Nuclear Stewardship.

Streamlines the Nuclear Stewardship management structure.

Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

The organizational chart outlining this new organization looks something like this. This can be found on page 50 of their report.

Creation of a semi-autonomous agency for our nuclear weapons work is precisely what I have been pushing over the last several weeks. Indeed, what I and my colleagues Senator KYL and Senator MURKOWSKI have proposed boils down to a true ''Chain of Command'' approach, with all the discipline this entails. I truly believe, and today's report confirms, that this approach, if it had been used in the past, may have avoided some of the security problems and will help us avoid them in the future.

The Rudman Report is a significant, timely contribution to the accumulating evidence that we must act to ensure that brilliant science and tight security are compatible within our nuclear weapons infrastructure.

I would like to congratulate Chairman Rudman and the members of the PFIAB for the tremendous contribution their findings will make to the dialog on how to best preserve our nuclear secrets and still maintain the greatest scientific research centers in the world.

The recommendations made in this report parallel what I and my colleagues tried to do several weeks ago. Perhaps this additional evidence will persuade others that it is long past time for Congress to take decisive action. I encourage my colleagues to read the report and draw their own conclusions about the need for organizational reform at DOE.●

## HAMILTON HIGH SCHOOL

● Mrs. BOXER. Mr. President, I rise to congratulate the Hamilton High School Academy of Music for receiving a GRAMMY Signature Schools Gold award. The GRAMMY Signature School Awards are presented by the Naras Foundation, Inc., in consultation with a panel of judges composed of music educators and professionals. The Hamilton High School Academy is one of just 250 schools selected for this award nationwide.

The Hamilton High School Academy is a magnet school of the Los Angeles Unified School District, attracting students from throughout Los Angeles for its specialized music programs. Opening its doors in September 1987, the Hamilton High School Academy has provided a comprehensive music program to an ethnically and culturally diverse student body. The program includes coverage of instrumental, vocal, piano, and electronic music. In addition the school features intensive instruction in both the theory and history of music. The Academy also provides a full spectrum of academic classes, which are designed to meet the needs of all students.

The Hamilton High School Academy has received local, regional, and now national recognition. The GRAMMY Signature School Award is a testament to the academic and musical excellence of the Hamilton High School Academy of Music.●

## BISHOP NICHOLAS HONORED BY COMMUNITY

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge His Grace Nicholas, Sovereign Bishop of the Diocese of Detroit, who was elected to the Episcopate by the Holy and Sacred Synod of Constantinople.

Bishop Nicholas was born in Glen Falls, NY, in 1953 to Emmanuel and Caliope Pissare. He attended Colgate University and was awarded the prestigious Colgate War Memorial Scholarship. He then attended the Holy Cross Greek Orthodox School of Theology, graduating as the Valedictorian of the senior class in 1978 with a Master's Degree in Divinity.

Bishop Nicholas was ordained as Deacon on July 6, 1991. Then he was ordained to the Priesthood by Bishop Maximos where he was elevated to the rank of Archmandrite on the same day, based on his years of service to the church. He served as Diocese Chancellor of Pittsburgh from 1991 until 1995 and then Chancellor of the Diocese of Detroit from 1996 to 1997.

His Grace Bishop Nicholas of Detroit was elected to the Episcopate by the Holy and Sacred Synod of Constantinople and has been ordained in the Holy Cross Church of Brooklyn, New York. As of April 18, 1999 Bishop Nicholas began his Apostolic work in the Diocese.

Bishop Nicholas continued dedication to our community has had an immeasurable effect on the young and old alike. He truly is a role model of determination and spiritual leadership. I extend Bishop Nicholas the best of luck for his future.●

## TRIBUTE TO ARTHUR NELSON

● Mr. SMITH of New Hampshire. Mr. President I rise today to honor Arthur Nelson, of Goshen, New Hampshire, for his dedicated service to his town and the nation.

Arthur has been an important figure in the town of Goshen. His commitment to the community has not gone unnoticed. It is for this reason that he was chosen Honorary Parade Marshall in celebration of the founding of the Goshen Volunteer Fire Department.

In 1939, Arthur helped establish the Goshen Volunteer Fire Department. This was the beginning of Arthur's long and fulfilling career as a public servant to the town of Goshen. Since then he has served as fire warden for fifty years. During those years he had been known to strap on a backpack pump and search reported puffs of smoke. This intense devotion led him to successfully find, and extinguish, many wildfires.

In addition to service to the town of Goshen, Arthur has been an active participant in fire fighting in Sunapee, Croyden, Marlow and Grantham. His concern for the safety of his own community, and those of his neighbors, has brought Arthur a tremendous amount of respect from all who know him. All of these towns join Goshen in recognizing Arthur as a true hero.

Arthur's presence in the Goshen Volunteer Fire Department is not his only contribution to his community. He has been elected and served as a selectman, been a part of the Historical Society and served on the Conservation Commission. Arthur has also been an active member of the Goshen Community Church. Among all of his commitments, Arthur was also able to write a book in his spare time. Foundations of Old Goshen, published in 1980, in a history of the town he loves.

At age 91, Arthur can look back on a fulfilling life in the town of Goshen. His dedication to community service should be used as an example for others. I want to commend Arthur for his commitment to serving his town and country. it is an honor to represent him in the United States Senate.●

## PROTECTING THE EARTH'S SOIL FERTILITY JUNE 17—WORLD DAY TO COMBAT DESERTIFICATION

● Mr. JEFFORDS. Mr. President, the gradual but accelerating loss of soil fertility and productive agricultural land worldwide may not be headline-grabbing news. But it is the kind of threat that, if not addressed, will exacerbate global problems of hunger, poverty, migration and conflict over local scarce land and water resources in the 21st century.

The process of soil erosion and severe land degradation, often referred to as ''desertification,'' results from overcultivation, deforestation, improper irrigation and drought. Most Americans are aware of the phenomenon from our own ''dust bowl'' in the 1930's when hundreds of thousands of farmers were forced to abandon their exhausted land. Today, dust bowls are occurring in more than 90 countries with an alarming annual loss of 10 million acres of productive agricultural land worldwide. Because of our own successful soil and water conservation programs, U.S. businesses, universities and nongovernmental organizations have a crucial role to play in providing technical expertise and support to communities around the world that are fighting land degradation.

Today is World Day to Combat Desertification, which marks the fifth anniversary of a coordinated international initiative to address the land degradation problem. In recognition of this observance, I would like to share a recent Christian Science Monitor op-ed piece on the seriousness of land degradation in Africa written by His Excellency Mamadou Mansour Seck, Senegal's Ambassador to the United States.

I ask that the article be printed in the RECORD.

The article follows:

### SHRINKING FORESTS—WILL U.S. AID IN THE GREENING OF WORLD'S ''DUST BOWLS''?

(By Mamadou Mansour Seck)

As a young pilot 40 years ago, flying over my country of Senegal and across Africa's Sahel region, I remember looking down on vast stretches of green fields and forests. Today the view is of a yellowish brown landscape that's growing barren.

Like many African countries, Senegal is losing precious agricultural land to a process of soil erosion and degradation known as ''desertification.'' It occurs when land that receives little or irregular rainfall is overcultivated, overgrazed, deforested, or otherwise stripped of its soil-fixing vegetative cover.

Worldwide, with more than 10 million acres of farm land becoming unproductive each year, ''dust bowls'' are multiplying and raising legitimate concern about our planet's capacity to feed its rapidly growing population.

In Africa and elsewhere, desertification fuels a downward cycle of poverty and hunger, which leads to migration from rural areas to overcrowded urban centers including those in North America and Europe. Desertification can lead to conflict over scarce resources, threatening to undermine the progress Africa is making toward democracy and economic reform.

But desertification is not inevitable. The U.S. can play a larger role in stemming the tide by ratifying the Convention to Combat Desertification, already ratified by 150 other countries.

The 1994 Convention focuses on food security and poverty reduction. It also promotes African self-reliance, a shift from aid to trade, the sustainable use of natural resources, and the benefits of democratic participation.

The U.S. signed the treaty in 1994, and President Clinton, during his trip last year to Africa, reaffirmed U.S. support for it. But

U.S. interests in an economically healthy and politically stable Africa would be well served by ratification by the Senate.

The desertification convention provides a coordinated international framework to channel technical and financial resources to communities where the fight against the interrelated problems of desertification and poverty must be waged.

Under the treaty, developing countries must engage local communities and organizations of farmers, herders, women, and youth in a ''bottom up'' process to devise national action programs.

Senegal and other desertified countries around the world are now active in this joint public-private planning process. Senegal's capital, Dakar, recently hosted the Second Conference of Parties to the Convention, attended by more than 140 countries.

Much more progress could be made with the help of the U.S., which has successful community-based soil and water conservation programs and is recognized as one of the world's leaders on fighting desertification. The technical resources of American universities, research institutions, and businesses are urgently needed in the Convention-generated partnerships with communities around the world.

Unchecked, desertification will continue to foster food crises, poverty, conflict, migration, floods and other environmental disasters. No nation is immune from the consequences.

Africa's 750 million people look to the U.S. for leadership on many issues, and desertification is one of the closest to our hearts. We look forward to welcoming the U.S. as a full partner to the convention.●

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

On June 16, 1999, the Senate passed S. 1186, the Energy and Water Development Appropriations Act, 2000. The text of the bill follows:

S. 1186

*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, 2000, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $125,459,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Yellowstone River at Glendive, Montana Study, $150,000;

Great Egg Harbor Inlet to Townsend's Inlet, New Jersey, $226,000; and

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, $50,000:

*Provided,* That the Secretary of the Army is directed to use $328,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104–303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,086,586,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Part 1 and Part 2, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, London Lock and Dam, Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $2,200,000;

Brevard County, Florida (Shore Protection), $1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, $14,100,000;

St. John's County, Florida (Shore Protection), $1,000,000;

Indianapolis Central Waterfront, Indiana, $3,000,000;

Ohio River Flood Protection, Indiana, $1,000,000;

Jackson County, Mississippi, $800,000;

Minnish Waterfront Park project, Passaic River, New Jersey, $1,500,000

Virginia Beach, Virginia (Hurricane Protection), $17,000,000;

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000; and

Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:

*Provided,* That the Secretary of the Army is directed to use $9,000,000 of the funds appropriated herein to implement section 211(f)(6) of Public Law 104–303 (110 Stat. 3683) and to reimburse the non-Federal sponsor a portion of the Federal share of project construction costs for the flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 provided herein to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi: *Provided further,* That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: *Provided further,* That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate a Detailed Project Report for the Dickenson County, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky, project: *Provided further,* That $100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further,* That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further,* That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): *Provided further,* That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further,* That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $315,630,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,790,043,000, to remain available until expended, of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities, and of which $1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities: *Provided*, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $100,000 of available funds to study the economic justification and environmental acceptability, in accordance with section 509(a) of Public Law 104–303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104–303: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $115,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000, to remain available until expended: *Provided*, That the United States Army Corps of Engineers under this program shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed: sampling and assessment of contaminated areas, characterization of site conditions, determination of the nature and extent of contamination, selection of the necessary and appropriate response actions as the lead Federal agency, cleanup and closeout of sites, and any other functions and activities determined by the Chief of Engineers as necessary for carrying out this program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Department of Energy: *Provided further*, That response actions by the United States Army Corps of Engineers under this program shall be subject to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR, Chapter 1, Part 300: *Provided further*, That these provisions do not alter, curtail or limit the authorities, functions or responsibilities of other agencies under CERCLA or, except as stated herein, under the Atomic Energy Act (42 U.S.C. 2011 et seq.): *Provided further*, That any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under the Formerly Utilized Sites Remedial Action Program shall be credited to this account and will be available until expended for response action costs for any eligible site: *Provided further*, That the Secretary of Energy may exercise the authority of 42 U.S.C. 2208 to make payments in lieu of taxes for federally-owned property where Formerly Utilized Sites Remedial Action Program activities are conducted, regardless of which Federal agency has administrative jurisdiction over the property and notwithstanding references to ''the activities of the Commission'' in 42 U.S.C. 2208.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center; $151,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

REVOLVING FUND

Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to renovate office space in the General Accounting Office (GAO) headquarters building in Washington, D.C., for use by the Corps and GAO. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefitting programs by collection each year of amounts sufficient to repay the capitalized cost of such renovation and through rent reductions or rebates from GAO.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the U.S. Army Corps of Engineers after the date of enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; and section 211 of the Water Resources Development Act of 1996, Public Law 104–303, shall be limited to a single agreement per project, credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 104. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION. (a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading ''CONSTRUCTION, GENERAL'', the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660 through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $38,049,000, to remain available until expended, of which $17,047,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $12,047,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior,

$1,321,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $612,451,000, to remain available until expended, of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677), of which $2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,326,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided,* That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further,* That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further,* That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further,* That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further,* That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended by Public Law 104–206, is amended further by inserting ''1999, and 2000'' in lieu of ''and 1997'': *Provided further,* That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, and Public Law 105–245, is increased by $2,000,000 (October 1998 prices): *Provided further,* That $500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed $200,000 for the Federal assessment team for the purpose of conducting a comprehensive study of Walker River Basin issues: *Provided further,* That the Secretary of the Interior may provide $2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $43,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $37,346,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided,* That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater and surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $50,000,000, to remain available until expended, of which $30,000,000 shall be used for ecosystem restoration activities and $20,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided,* That no more than $2,500,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: *Provided further,* That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: *Provided further,* That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $49,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are:

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the Funds, even in the event of a bank failure.

SEC. 202. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles for replacement only.

SEC. 203. Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided,* That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 1 passenger motor vehicle for replacement only, $721,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund, and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund: *Provided,* That, $15,000,000, of which $10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $327,922,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions

and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $200,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That $25,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 6 passenger motor vehicles for replacement only, $2,725,069,000, to remain available until expended, of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000 shall be used for the University of Missouri research reactor project: *Provided*, That of the amount provided, $2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $242,500,000 to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed $4,727,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425) as amended: *Provided further*, That not to exceed $5,432,000 may be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds shall be made available to the State and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $219,415,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $116,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $102,528,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $4,609,832,000, to remain available until expended: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy: *Provided further*, That, $10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 35 for replacement only), $4,551,676,000, to remain available until expended: *Provided*, That of the amount provided for site completion, $1,306,000 shall be for project 00–D–400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,069,492,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $228,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,872,000,000, to remain available until expended: *Provided*, That not to exceed $3,000 may be used for official reception and representation expenses for transparency activities and not to exceed $2,000 for the same purpose for national security and nonproliferation activities.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $112,500,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $11,594,000; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,000,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and

renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $223,555,000, to remain available until expended, of which $160,286,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,309,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $170,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $170,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. Of the funds appropriated by this title to the Department of Energy, not more than $200,000,000 shall be available for reimbursement of contractor travel expenses, and no funds shall be available for reimbursement of contractor travel expenses that exceed 80 percent of the amount incurred by any individual contractor in fiscal year 1998.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy; under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $30,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date.

SEC. 308. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

''(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.''.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,400,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $25,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $465,400,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $19,150,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $442,400,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That $3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $23,000,000.

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, $5,000,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,150,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY FUND

For the purposes of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), $7,000,000, to remain available until expended for operation, maintenance, surveillance, and improvement of Land Between The Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas, Creek, California, $271,100;

San Joaquin, Caliente Creek, California, $155,400;

Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas $582,600;

Buffalo, Small Boat Harbor, New York, $15,100;

City of Buffalo, New York, $4,000;

Geneva State Park, Ohio Shoreline Protection, $91,000;

Clinton River Spillway, Michigan, $50,000;

Lackawanna River Basin Greenway Corridor, Pennsylvania, $217,900; and

Red River Waterway, Index Arkansas, to Denison Dam, Texas, $125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), $1,500,000;

Melaleuca Quarantine Facility, Florida, $295,000;

Lake George, Hobart, Indiana, $3,484,000;

Southern and Eastern Kentucky, Kentucky, $2,623,000;

Anacostia River (Section 1135), Maryland, $1,534,000;

Sowashee Creek, Meridian, Mississippi, $2,537,000;

Platte River Flood and Streambank Erosion Control, Nebraska, $1,409,000;

Rochester Harbor, New York, $1,842,000;

Columbia River, Seafarers Museum, Hammond, Oregon, $98,000;

South Central Pennsylvania, Environmental Improvements Program, Pennsylvania, $20,000,000; and

Quonset Point, Davisville, Rhode Island, $120,000.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, $5,500,000, are rescinded.

TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (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. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 605. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

SEC. 606. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105–204 (112 Stat. 681) are amended by striking ''fiscal year 2000'' and inserting ''fiscal year 2002''.

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 607. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the ''Cascade Reservoir'', created as a result of the building of the Cascade Dam authorized by the matter under the heading ''BUREAU OF RECLAMATION'' of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as ''Lake Cascade''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to ''Cascade Reservoir'' shall be considered to be a reference to ''Lake Cascade''.

SEC. 608. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

''(vii) COST LIMITATION.—The annual cost of this provision shall not exceed $500,000 in 1997 dollars.''.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2000''.

ORDER OF PROCEDURE

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I have a number of matters before we close up for the evening.

TRIBUTE TO JOHN EDWARDS

Mr. SESSIONS. Mr. President, I just left a marvelous event in which Mr. John Edwards of my hometown of Mobile, AL, was recognized nationally for his selfless service to youth. He had been trained as a boxer and has done some professional boxing.

Mr. Edwards has two children. He trains now 18 to 36 young people in a gym. He works two jobs and trains them on the side. He does more than just teach them boxing; he teaches them how to work, how to save, how to manage money, and the important characteristics that are necessary for life.

He told me, when they come there, the first thing he asks them to produce is a report card. If it is not good enough, he puts them on sort of his own probation, and he works with them to see their grades improve.

I just believe there are more people than we realize in America today who are giving of themselves for other people.

Mr. Edwards shared that. It is important to me because I chair the Youth Violence Committee. Young people are in trouble today, and they need adults who care about them and who will spend time with them. There are people like Mr. Edwards who have done that to an extraordinary degree, and we salute all of them.

I particularly congratulate Mr. Edwards on his commitment to his community and my hometown of Mobile, AL.

COMMENDING THE PRESIDENT AND THE ARMED FORCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 40, introduced earlier today by Senators LOTT, DASCHLE, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 40) commending the President and the Armed Forces for the success of Operation Allied Force.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 40

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces: Now, therefore, be it

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

(1) The Congress expresses the appreciation of the Nation to:

(A) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(B) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(C) President Clinton, Commander in Chief of U.S. Armed Forces, for his leadership during Operation Allied Force.

(D) Secretary of Defense William Cohen, Chairman of the Joint Chiefs of Staff General Henry Shelton and Supreme Allied Commander-Europe General Wesley Clark, for their planning and implementation of Operation Allied Force.

(E) Secretary Albright and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(F) All of the forces from our NATO allies, who served with distinction and success.

[(G) The front line states, Albania, Macedonia, Bulgaria and Romania, who experience firsthand the instability produced by the Federal Republic of Yugoslavia's policy of ethnic cleansing.]

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

## EXECUTIVE SESSION

### NOMINATION OF RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION

Mr. SESSIONS. In executive session, I ask unanimous consent, on behalf of the majority leader, that the nomination of Richard Morningstar be discharged from the Foreign Relations Committee, and that the Senate proceed to its consideration. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Richard L. Morningstar, of Massachusetts, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## PRIVILEGE OF THE FLOOR—H.R. 1664

Mr. SESSIONS. Mr. President, on behalf of Senator STROM THURMOND, I ask unanimous consent that the privilege of the floor be granted to Ernie Coggins, a legislative fellow, during the pendency of the emergency steel loan guarantee program and emergency steel, oil and gas loan guarantee program, H.R. 1664.

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Utah (Mr. HATCH);

The Senator from Alaska (Mr. MURKOWSKI); and

The Senator from Michigan (Mr. ABRAHAM).

## ORDERS FOR FRIDAY, JUNE 18, 1999

Mr. SESSIONS. 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 18. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a final passage vote relative to the oil, gas, steel loan program.

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

Mr. SESSIONS. I further ask that following that vote, the Senate proceed to the State Department authorization bill under a previous consent agreement.

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

## PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and proceed immediately to a rollcall vote on passage of H.R. 1664. Following that vote, the Senate will begin the State Department authorization bill. Several amendments are expected to be offered. Therefore, additional votes could occur until the hour of 11:45 a.m.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment, under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Friday, June 18, 1999, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 17, 1999:

### IN THE AIR FORCE

F. WHITTEN PETERS, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE AIR FORCE, VICE SHEILA E. WIDNALL, RESIGNED.

### DEPARTMENT OF THE TREASURY

STUART E. EIZENSTAT, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE LAWRENCE H. SUMMERS.

### DEPARTMENT OF STATE

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE. (NEW POSITION)

### THE JUDICIARY

MARYANNE TRUMP BARRY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE H. LEE SAROKIN, RETIRED.

JAMES E. DUFFY, JR., OF HAWAII, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CYNTHIA HOLCOMB HALL, RETIRED.

ELENA KAGAN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JAMES L. BUCKLEY, RETIRED.

## CONFIRMATION

Executive nomination confirmed by the Senate June 17, 1999:

### DEPARTMENT OF STATE

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

## WITHDRAWAL

Executive message transmitted by the President to the Senate on June 17, 1999, withdrawing from further Senate consideration the following nomination:

### DEPARTMENT OF THE TREASURY

JAMES W. WETZLER, OF NEW YORK, TO BE A MEMBER OF THE INTERNAL REVENUE OVERSIGHT BOARD FOR A TERM OF THREE YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MAY 27, 1999.

# EXTENSIONS OF REMARKS

## AMERICAN DEBT REPAYMENT ACT

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. SCHAFFER. Mr. Speaker, along with the Senator from Colorado, Mr. ALLARD, I have introduced the American Debt Repayment Act. The underlying principle of the measure entrails a commitment by Congress to pay down the national debt.

Our proposal establishes a 30-year payment schedule-much like a typical homeowner's mortgage payment schedule. Mr. Speaker, every year, every week, and every day, Americans make routine, timely, and scheduled payments on loans for houses, cars, businesses, and other investments. Failure to repay old debts results in mounting interest payments and bad credit, and this is especially true for the federal government.

Mr. Speaker, Colorado has established, as a matter of official state policy, a position on federal debt repayment. The Colorado General Assembly, under the leadership of State Rep. Penn Pfiffner and State Senator Ken Arnold, adopted House Joint Resolution 99–1016. The Resolution calls upon Congress to pay down the national debt and maintain a balanced federal budget. Moreover, the measures endorses the American Debt Repayment Act (H.R. 1017). Specifically, Mr. Speaker, H.R. 1017, as introduced prohibits budgeted outlays from exceeding budget revenues. It requires, beginning with FY 2000, that actual revenues exceed actual outlays in order to provide for the reduction of the gross federal debt and requires the amount of reduction to be equal to the amount required to amortize the debt over the next 30 years in order to repay the entire debt by the end of FY 2029. The bill authorizes a congressional waiver of this Act when a declaration of war is in effect and prohibits a bill to increase revenues from being deemed to pass the House of Representatives or the Senate unless approved by a majority roll call vote of both Houses. Finally, the bill directs the Congress to review actual revenues on a quarterly basis and adjust outlays to comply with this Act.

Mr. Speaker, I deeply appreciate the recommendation of the Colorado General Assembly, and hereby commend its position in support for the American Debt Repayment Act to the House, and furthermore submit, for the RECORD, the full text of Colorado H.R. 1016.

COLORADO GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION 99–1016

By Representatives Pfiffner, Berry, Clapp, Decker, Fairbank, Gotlieb, Hoppe, King, Lawrence, Lee, McElhany, McKay, Nuñez, Scott, Smith, Spradley, Stengel, Swenson, Taylor, Tool, Webster, T. Williams, Witwer, Alexander, Allen, Bacon, Coleman, Dean, Grossman, Hefley, Larson, May, Miller, Morrision, Paschall, Tupa, Veiga, S. Williams, Windels; also Senators Arnold, Andrews, Chlouber, Congrove, Dennis, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Owen, Powrs, Sullivant, Wham.

*Concerning the General Assembly's support for federal legislation that would require a balanced federal budget and the repayment of the national debt*

Whereas, the federal government accumulated a seventy-billion-dollar budget surplus in 1998, the first surplus since 1969, and is considering policies for using the 1998 surplus and expected surpluses for 19999 and future years; and

Whereas, the federal government has amassed a national debt of more than five trillion seven hundred billion dollars ($5,700,000,000,000), and in 1999 federal tax dollars will be used to pay three hundred fifty-seven billion dollars ($357,000,000,000) in interest on the national debt; and

Whereas, the costs of servicing the national debt have become an increasingly large portion of the federal budget, rising from under ten percent of the budget in 1978 to twenty-two percent of the budget in 1997; and

Whereas, Paying down the national debt will relieve future generations of the burden of paying the costs of servicing the national debt; and

Whereas, Paying down the national debt does not exclude the use of federal moneys for tax relief or for saving social security for future generations; and

Whereas, Paying down the national debt will foster economic growth and stability; and

Whereas, The American Debt Repayment Act, which provides for budgetary reform by requiring a balanced federal budget for each year beginning with federal fiscal year 2000 and requiring the repayment of the entire national debt by the end of federal fiscal year 2029, has been introduced in both houses of the United States Congress; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That we, the members of the General Assembly, support the objectives of the American Debt Repayment Act to pay down the national debt and maintain a balanced federal budget; and

(2) That we, the members of the General Assembly, strongly urge the United States Congress to commit to a plan to repay the national debt before approving a budget resolution.

*Be It Further Resolved,* That copies of this Resolution be sent to each member of Colorado's congressional delegation.

RUSSELL GEORGE,
*Speaker of the House of Representatives.*

JUDITH M. RODRIGUE,
*Chief Clerk of the House of Representatives.*

RAY POWERS,
*President of the Senate.*

PATRICIA K. DICKS,
*Secretary of the Senate.*

## INTRODUCTION OF THE ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 1999

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. YOUNG of Alaska. Mr. Speaker, it is my pleasure today to introduce the Arctic Coastal Plain Domestic Energy Security Act of 1999.

This bill has three fundamental purposes: creating new jobs for Americans, sustaining and continuing economic growth, and strengthening national security.

The Act accomplishes these purposes through directing the environmentally sound leasing of the 1002 oil reserve area of the Arctic National Wildlife Refugee (ANWR) to oil and gas exploration and development. The 1002 oil reserve comprises most of the 1.5 million-acre coastal plain of the 19.6 million-acre ANWR, and is named after the section of the Alaska Lands Act that specifically set the region aside for study and consideration of developing its giant energy potential. Experts believe this area holds America's largest untapped energy resource.

ANWR is enormous in size, the size of South Carolina. Almost one-half is already designated wilderness. Congress considered making the 1002 area wilderness, but rejected it in favor of studying its energy potential to meet future domestic needs. The Reagan Administration endorsed legislation to authorize leasing because the relatively light footprint occupied by development is so negligibly tiny in comparison to the great benefits oil development brings. Put into perspective, opening the 1002 oil reserve would take up less space than a single airport within an area the size of South Carolina.

With national production declines occurring and world production nearing its peak, the legislation is urgently needed. Because at least 10 years of environmental planning, study, and review are necessary to carry out a responsible development plan in the 1002 oil reserve, opening the area now would assure state, federal, local, and industry planners enough time to implement necessary safety and environmental measures. If Congress waits for an oil crisis to occur before recognizing that opening ANWR is necessary, rest assured that in the haste to get the oil, most careful environmental planning will go by the way-side. Opening the area now assures that we can take all 10 years—or more if necessary—of anticipated lead time to move cautiously and responsibly.

The most important benefit of opening the 1002 oil reserve is job creation. Up to 735,000 jobs, many of which are union jobs, could be created throughout all 50 states if a large oil and gas reserve is indeed confirmed and developed. Jobs in the oil industry are among the highest-paying private sector jobs available, but they will be lost if new development and opportunity is not created through a wise-use policy for America's public lands.

As hard as it is to believe, there are some who don't think the escalation of oil imports and correlative decline in domestic production is cause for concern. This has manifested itself in a Clinton-Gore Administration policy to discourage new development of resources on public lands.

Unfortunately, the result is a future of ever more dependence on foreign sources of oil and record trade deficits. In fact, the rate of imports has grown from 36% at the time of the energy crisis of the 1970's to 56% today * * * and it is growing rapidly. Excessive reliance on foreign supplies coupled with the paucity of new domestic energy development gives other nations opportunities to unduly influence our economic and foreign policy.

While working Americans understand the importance of oil, they also place high value on the environment. This Act reflects these priorities by balancing resource development with stipulations and conditions that effectively require the environmental standards of North Slope development to match or exceed those of any country upon which we rely for our imports. Such is already the case in Prudhoe Bay, America's largest oil field, where the factual record shows that resource development—when done right—is consistent with conservation of the environment. Alaska's arctic has accounted for one-quarter of the United States' oil production in over twenty years, yet biologists cannot identify any declines in wildlife attributable to the Arctic oil activity. None. In fact, Caribou even outnumber the entire population of Alaskans. This is no mere coincidence, but the result of careful planning and regulations that recognize development and environmental protection are compatible.

But don't take my word for it. Listen to the Inupiat Eskimos—the first environmentalists. They support this legislation. They understand that with careful planning and regulation using the most advanced technology available, oil development is compatible with the conservation of wildlife, habitat, and their Arctic environment.

## MAYOR RICHARD SAILORS

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor Richard Sailors, who has served as mayor of Powder Springs, Georgia for the past 13 years. During his tenure, Mayor Sailors has exemplified the kind of common sense leadership that has made Powder Springs a safe, relaxing, and prosperous place to live.

Not only has Mayor Sailors contributed to the civic development and public safety of Powder Springs, he has also boosted its economy by owning and operating Mableton Mattress Liquidators and Mableton Marble and Granite Company. In the process, he has acquired a well-deserved reputation as a smart, devoted leader, and a successful, fair businessman.

In addition to being a great leader, Richard Sailors is also a man with a firm grip on where life's real priorities are. When his job as Mayor began to interfere too much with the time he could spend with his family, he didn't hesitate to make a tough decision to leave the job he loves and has held for 13 years.

Mayor Sailors is an inspiration to all of us who want to lead balanced lives, improving our communities, expanding our businesses, and spending time with our families. He has contributed immeasurably to the health, safety, and happiness of thousands of citizens in the past 13 years, and we all owe him a great debt of gratitude.

## A TRIBUTE TO THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to the Leadership Training Institute of America (LTI). LTI is reaching out to the youth of this country to inspire them to become the best they can possibly be.

The Leaderhip Training Institute of America is educating our youth in principles and values that have made America the proud leader of the world. These principles and values are the traditions of our American forefathers who believed that respect for life, property and individual freedom are foundational to America's greatness. They believed in personal responsibility, compassion, and doing good to others. They believed in the work ethic that has produced in America the most competitive achievements the world has ever known.

The Leadership Training Institute of America is dedicated to inspiring tomorrow's leaders through the example of yesterday's leaders. The United States Congress promotes such endeavors and desires to encourage all of our youth to be founded in the traditions that have proven to make great leaders.

I salute the efforts of the Leadership Training Institute of America to instill in America's youth the values and lessons of self-government, patriotism, moral character and education. As we have learned from the tragedies on our high school campuses this year, our youth need this kind of instruction.

To the staff of the Leadership Training Institute, I say thank you and God bless you. May your efforts and influences increase among our youth.

## HONORING 2ND AMPHIBIAN TRACTOR BATTALION OF WWII

### HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. COOK. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to the 2nd Amphibian Tractor Battalion of World War II, better known as the Alligator Marines. Activated in 1942 at Marine Corps Base, San Diego, and assigned to the newly forming 2nd Marine Division, the Alligator Marines fought for their country in the Southwest Pacific.

The Alligator Marines were so named because of their amphibious vehicles, the Landing Vehicle Tracked, or an amphibious tractor. Later, they became known as Alligators, and those who manned them, Alligator Marines.

This battalion earned Presidential Unit Citations, a Pacific Campaign Streamer with four bronze stars, a National Defense Streamer with bronze star and four battle stars (plus) during their time of service for their country. Their accomplishments are impressive, and they deserve our respect.

Therefore, Mr. Speaker, it is with great pride that I rise before this Congress and honor this group of Marines for their service, their fortitude and their heroics. The Alligator Marines are meeting this week for their annual reunion in Salt Lake City, Utah to come together and remember the tragedy they withstood and the achievements they made. We as a country owe these and all Veterans a debt of gratitude that can never be repaid.

## IN HONOR OF THE RETIREMENT OF DR. MARVIN LOCKE

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. OSE. Mr. Speaker, I rise today to recognize a life-long educator in my district who is retiring after 39 years of dedicated service to students in my district of California. Dr. Marvin Locke, Tehama County Superintendent of Schools, has been one of the single most influential curriculum and staff development leaders in the state. He will be honored for his achievements on June 19 in Manton, California.

Following receipt of his Doctorate in Education at the University of Pacific in 1970, it was apparent that Dr. Locke would be a pioneer in teacher training. His commitment to a detailed analysis of the factors that improve teacher quality led to the publication of five journal articles in 1971. He then applied his theories in the real world as Director of the Professional Development Center, his first position with the Tehama County Department of Education. In this capacity, he established an intensive teacher-training program to benefit instructors in rural counties. Once the direct benefits to Tehama County instructors became apparent, the Glenn and Shasta County Boards of Education soon adopted their own programs based on Dr. Locke's model.

Dr. Locke then sought to shape the path of curriculum and instructional development at the state level. As Assistant Superintendent for the Tehama County Department of Education, Dr. Locke represented a nine-county region on the State Curriculum and Instruction Committee, where he served an unprecedented two terms as Chairman of the County/State Steering Committee. Prior to assuming the position of County Schools Superintendent in 1991, Dr. Locke served 14 years as Associate Superintendent, during which time he became a key co-founder of the National Forest Counties and Schools Coalition. This Coalition strives to maintain a rational school funding system for those California counties that are timber rich and property tax poor.

It should be noted that throughout his tenure at the Tehama County Office of Education, Dr. Locke was active in many statewide education associations, such as the California Education Research Association, and the Association of California School Administrators, where he served as Chapter President and Region 1

board member. Additionally, he was named 1998 County Superintendent of the Year by the California County Superintendents Education Services Association. Finally, Dr. Locke has received the Phi Kappa Phi and Pi Gamma Mu awards in honor of his contributions to Scholastic and Social Science research.

I am honored to recognize an individual who has committed his life to excellence in a field that is critical to the success of our nation's children. Please join me in congratulating Dr. Marvin Elliott Locke for a lifetime of hard work and a job well done.

## TRADE RELATIONS WITH CHINA

### HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. HUTCHINSON. Mr. Speaker, within the next month, we will take up the annual debate on extending normalized trade relations to the People's Republic of China (PRC). In light of this fact, I wanted to bring to the attention of the nation some of the efforts undertaken by the Republic of China (Taiwan) to have a positive influence on her neighbor across the Taiwan Strait.

Dr. Koo Chen-fu of the Straits Exchange Foundation, a Taiwanese organization devoted to conducting cross-strait relations, spoke recently before the annual meeting of the International Press Institute World Congress and 48th General Assembly. Dr. Koo's comments about fostering productive dialog between his nation and the PRC were very informative, and I insert them in the RECORD in order that they might be of benefit to all of my colleagues in this body.

ESTABLISHING PEACEFUL AND STABLE RELATIONS ACROSS THE TAIWAN STRAIT

(By Dr. Koo Chen-fu

Honorable Public Opinion Leaders from Both at Home and Abroad, Distinguished Guests, Ladies and Gentlemen:

I feel greatly honored to be invited to participate in the annual conference of the International Press Institute held in the Republic of China. This year marks the first occasion that the IPI has held an annual conference of such magnitude in Taipei. Your meeting here is an affirmative of and encouragement by the IPI for the ROC government's efforts in promoting freedom of press over the past two decades and for the entire press of our nation, which has worked diligently to pursue the consistent advancement of the news industry.

I would like to take this opportunity to discuss a major issue that is currently confronting our general public: the problem of having too much information, rather than too little. I believe all of the people responsible for Taiwan's media and communication sectors present today are proud to have contributed to this hard-to-achieve status.

On my way to the conference, I was wondering why the prestigious sponsors of the conference invited me to deliver a speech on this occasion. Knowing that a host of prominent personages from all sectors around the world are participating in this grand event, I felt every more apprehensive, until I thought of a privilege I have over all of you: seniority. I am 82 years old and in a society, such as ours, that attaches great respect to elderly people, my age, I suspect, was my ticket to attend this magnificent conference.

The topic I will speak to you about today is unquestionably quite serious, but it is the subject specifically requested by the sponsoring unit of this conference. I promise that I will do my best to be concise and clear about a complex matter.

As you all know, the Republic of China was founded by Dr. Sun Yat-sen in 1912, after the overthrow of the Ching imperial dynasty. Then in 1949, the People's Republic of China was established with Chairman Mao Tz Tung as its leader. Thereafter, China as been ruled separately, with the Chinese communists exercising jurisdiction on the mainland; while ROC government exercising jurisdiction in Taiwan, Penghu, Kinmen, and Matsu. China has not been united for the past half century, and our situation resembles that of North and South Korea. This is a very simple political reality, known and accepted around the world.

Beijing's claim that ''there is only one China and Taiwan is part of China, and one China means the People's Republic of China,'' or ''Taiwan is a renegade province of PRC'' not only deviates from reality, but completely negate the truth. It is my view that China is now divided, and both Taiwan and the mainland are parts of China and the two sides of the Taiwan Strait are ruled by two distinct political entities, with neither subordinate to the other. What is important is that both sides do not exclude the possibility of future unification of China through the process of peace and democracy, when time and conditions are mature.

At the current stage of development of cross-strait relations, the Straits Exchange Foundation (SEF), under the authorization of the government, has from the very beginning, stressed several key points. We have insisted on conditions that respect historic facts and the status quo, safeguard the well-being of the people of Taiwan, and normalize cross-strait relations. For humanitarian reasons, the ROC government in 1987 began to allow our people to visit relatives on the mainland and worked effectively to increase mutual understanding and exchanges between the people on both sides of the Taiwan Strait.

Then, again in 1991, we terminated the Period of National Mobilization for Suppression of the Communist Rebellion, clearly manifesting our government's sincerity not to resolve cross-strait problems by force. It was a pragmatic move, as our government took the first step and demonstrated our goodwill to acknowledge the existence of the communist authorities. To help raise the living standards on the Chinese mainland and develop its economy, Taiwan's business sector has invested as much as US$25 billion across the strait over the last ten plus years, creating a great number of job opportunities for the people on the mainland and contributing remarkably to the expeditious accumulation of foreign exchange reserves for the Chinese mainland over the recent years.

In order to show the sincerity of the ROC government in promoting peaceful and stable cross-strait relations, President Lee Teng-hui made a six-point proposal on normalizing cross-strait relations in April 1995. These points are: 1. use Chinese culture as a base to strengthen exchanges between the two sides; 2. enhance economic ties and develop reciprocal and complementary cross-strait relations; 3. participate in international organizations on an equal-footing, thus allowing meetings of leaders from the two sides in appropriate situations; 4. assert peaceful solutions for any disputes which arise; 5. combine the efforts of both sides to maintain the prosperity of Hong Kong and Macau and enhance democracy in these two areas; 6. pursue future national unification while respecting that China is currently divided and ruled by different political entities.

President Lee's understanding and perspective have provided direction to SEF's tasks. We hope to establish a peaceful and stable cross-strait relationship step by step, as follows:

First of all, we have made all necessary preparations for the coming of Mr. Wang Dao han, the senior chairman of the Association for Relations Across the Taiwan Strait (ARATS). I address him as ''senior'' because he is eighty-three years old, and I'm a year younger than he is. I am expecting Mr. Wang's visit as one which will renew the channel of constructive discourse we first established during my trip to mainland last October. The SEF will make arrangements for Mr. Wang's ''getting to know Taiwan'' trip safe and comfortable, so the mainland's leading persons will have a better understanding and knowledge of Taiwan. And, for the above mentioned reasons, I look forward to the Taipei meeting with Mr. Wang, which will be held this autumn, so we can work together to frame a peaceful and mutually beneficial relationship for both sides of the strait.

In addition, we will try to persuade the Beijing authorities to reopen the institutionalized consultations established during the Singapore round of the Koo-Wang talks in April 1993. Regarding substantive issues, which most concern the rights of the people, such as repatriating mainland stowaways and hijackers, solving fishing disputes, and dealing with illegal activities cooperatively, we hope that interim agreements will be signed as soon as possible. These agreements will form a basis from which to expand step by step the content gained from future consultations or important issues concerning both sides.

I am well aware that there are people on the Beijing side who anxiously promote political negotiations and dialogue between the two sides. In fact, just as in the Shanghai meeting last October, I would like to broaden the range of subjects during the talk with Mr. Wang in the upcoming Taipei meeting on whatever issues are of concern. If the meeting is restricted only to talks about issues in a particular area, it will minimize the effect of the agreement we may make. This will not be beneficial for improving relations between the two sides.

The 1993 Singapore agreement was the first agreement which was officially authorized for signature by both governments and was approved by respective elected bodies after separation on each side of the strait. If either of the two parties was not willing to abide by the agreement, then the confidence level for the signing of future agreements will certainly be negatively affected. Over time, we will attain more agreements concerning the people's rights and interest. Thus, we can build mutual confidence through the accumulation of interim agreements. This method gives us the ground work for a solid foundations for peaceful and stable cross-strait relations.

Third, the two sides should gradually develop a confidence building measure (CBM), in order to insure the peace of the Taiwan Strait and the security of the Asia-Pacific region. Beginning in 1991, the two sides set up the Straits Exchange Foundation and the Association for Relations Across the Taiwan Straits, respectively, to be the institutionalized communication mechanism between the two sides. This is the accepted communication channel under the informalized relation between the two sides.

For years, these two organizations have exchanged phone calls and letters to conduct necessary contacts and communication. In 1996, however, the Chinese mainland unexpectedly launched a military threat against

Taiwan and unilaterally suspended the functions of the two organizations for more than three years. It is a situation we deeply regret.

Under the influence of democracy and freedom, Taiwan is becoming increasingly liberalized and advanced. Such an environment has exerted a direct impact on the SEF to be more flexible and open, when holding consultations with ARATS. Let me assure you that the ROC government is fully confident and sincere in resolving any political differences between the two sides via consultations. Even so, we will not hold talks with the Chinese mainland under such unfriendly conditions as political inequality, diplomatic interference, and military threat. National security and dignity are what I myself and the SEF personnel constantly must bear in mind, when we exchange contacts with the Chinese mainland. I believe that these two criterias are also the two foremost concerns of the people of Taiwan.

In recent years, I have observed that Beijing has been withdrawing from the position that ''we can talk about anything'' toward a parochial mentality that ''we can only talk about political issues.'' This confuses us.

I would like to take this opportunity to call on Beijing to return to the consultation table as soon as possible, to establish mutual trust between the two sides through consultations, and to adopt necessary and positive measures to insure the peace and stability of the Taiwan Strait.

Fourth, the two sides should expand items and the scope of exchanges and cooperations and treat each other with sincerity through reciprocity, in order to ultimately normalize bilateral relations. During the past 50 years, the two sides have accumulated individual experiences of development that can be exchanged to assist each other. In the past, we have proposed that the two sides conduct exchanges and cooperate in the areas of agriculture, scientific technology, economic development, and rule by law. We have also suggested the two sides deal with the Asian financial crisis together, in order to jointly contribute to the prosperity and stability of the Asia-Pacific region.

Unfortunately, we have not had any positive response from Beijing, to date. In the future, we will continue to encourage and persuade the Chinese mainland to pragmatically respond to our constructive proposals. We will also unfold various cooperation plans with Beijing to increase mutual trust, achieve consensus, and ultimately attain the goal of establishing normalized relations between the two sides.

Ladies and gentlemen, during the past four decades, the ROC has managed to create miracles in economic development and political democratization, under unfavorable natural environments and conditions. Naturally, we wish to achieve more, and it is our hope that we can bridge the gap of the Taiwan Strait in economic and political developments by appropriate interaction and constructive dialogue between the both sides of the Taiwan Strait. This will help us to realize the natural reunification of both sides in a peaceful and democratic way.

At the threshold of the twenty-first century, with the Cold War era ended, I sincerely hope that the Chinese mainland will discard the remnants of the Cold War ''zero-sum'' thinking and expand their horizons to join us in building a peaceful and stable relationship for both sides of the Taiwan Strait, under conditions which respect the political status quo of both sides.

As time is pressing, let me finish my speech here. Thank you very much. And I wish all the distinguished participants of this conference health and confirmed success.

## TRIBUTE TO SISTER ESTELLA IBARRA OF TOLEDO, OHIO

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Sister Estella Ibarra of Toledo, Ohio, who is being honored this evening in a special tribute for her work in our community. Since her 1988 arrival in Toledo, Sr. Estella has tended to the housing, employment, and educational needs of South Toledo residents, while ministering to their spiritual needs as well.

After coming to Toledo to establish Marianist Social Ministries, Sr. Estella witnessed the critical housing situation facing many of her clients and it spurred her on to action. While working as Hispanic Outreach Coordinator for Catholic Charities in the Diocese of Toledo, she proposed and initiated CHIP: the Charities' Homeowners Initiatives Program. Since 1992, CHIP has provided close to thirty low-moderate income families with financial counseling, legal assistance, training in budgeting, home management, and retirement planning in preparation for buying a home. Starting in the city of Toledo, Sr. Estella is replicating the program in seventeen other communities in the Toledo Catholic Diocese.

To aid families in housing crises, Sr. Estella founded La Posada, a temporary shelter for homeless families. The shelter, named to honor the Mexican Christmas tradition in which families walked through the village by candlelight reenacting the Holy Family's search for shelter on the night of Jesus' birth, allows families in need to stay up to ninety days while re-establishing a foothold. Sr. Estella founded La Posada in 1991 through the combined efforts of herself and five churches in Toledo's Old South End: SS Peter & Paul, Immaculate Conception, St. John's Lutheran, First English Lutheran, and Peace Lutheran. Serving largely Hispanic families in need, La Posada provides help to about 120 people each year, most of whom are migrant workers, recent immigrants, and refugees, as they strive toward self-sufficiency.

St. Estella also works closely with Toledo Central City Neighborhoods Development Corp (TCCN), which is sponsored by ten Catholic churches and rehabilitates and builds affordable homes in Toledo's central city neighborhood. She began service on TCCN's Board in 1994, and even served briefly as the organization's interim director in 1996.

Sometimes referred to as the ''Mother Teresa of Toledo,'' Sister Estella has helped hundreds of Toledo's ''poorest of the poor.'' In a time when many in our government and across our nation have abdicated our responsibilities toward one other, Sr. Estella has chosen instead to follow Christ's teaching; ''Whatever you do to the least of my brethren, that you do unto me.'' She is a quiet and humble example of how we might live as true followers of Christ, and how we might seek to truly impact the life direction of people. Sr. Estella Ibarra is ensuring that our future will not only be different but better because she has been here. I join our community in honoring her achievements and thanking her in the most heartfelt way for the positive changes she has brought to people in need.

## CELEBRATING THE CONTRIBUTIONS OF DR. RICHARD SKINNER

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. COLLINS. Mr. Speaker, I rise today to honor Dr. Richard Skinner and his contributions to Clayton College and State University, to the Clayton County community, and to the State of Georgia. For over 5 years, Dr. Skinner skillfully guided Clayton College to the forefront of higher education in the information age.

Dr. Skinner developed and implemented a ground-breaking program providing every student and professor at Clayton College with a personal notebook computer. This launched the school into a new era, setting a higher standard for education not only in Georgia, but in the Nation as a whole. Dr. Skinner also led the steering committee responsible for implementing the Georgia Learning Library Online, the most advanced statewide World Wide Web-based library in the country.

Acknowledged by the Atlanta Journal-Constitution as ''a national ambassador for technological training,'' Dr. Skinner's work has included the development of a fast track for students seeking jobs in the information technology field. The program responded to shortages in high-tech workers by teaming higher education and the information technology industry. Students graduate from the program with an excellent education and the potential to obtain highly paid, high-skill jobs with nearly unlimited opportunities for future advancement.

Dr. Skinner continues to be a strong advocate for improving our higher education system and preparing our work force for the next century. His actions have moved Clayton College strides forward. The Clayton, GA community may be losing a valuable leader, but it will be to the benefit of the entire State of Georgia. Dr. Skinner will serve as president and chief executive officer of Georgia GLOBE (Global Learning On-Line for Business and Education).

Georgia GLOBE will use technologies such as the Internet and the Web to provide Georgians, especially nontraditional adult students, with greater access to continued education. I look forward to continuing to work with Dr. Skinner as he creates new goals to bring Georgians and Americans into the information age. It has been, and will continue to be, an honor working with a man of such vision and dedication.

## CONCERNING THE ENDANGERED SPECIES ACT

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. SCHAFFER. Mr. Speaker, though derived of good intentions, the Federal Endangered Species Act has proven ineffective in achieving its desired objectives. Moreover, the law threatens the freedom and liberty of all Americans, but particularly rural Americans. As a Representative of the rural Fourth District

of Colorado, I am grateful for the leadership of Colorado State Representative Steve Johnson, and Senator Mark Hillman upon passage of Colorado House Joint Resolution 99–1051.

The findings and recommendations of the Colorado General Assembly, as outlined in this important Resolution are imperative suggestions for this Congress. Accordingly Mr. Speaker, I hereby submit for the RECORD the official position of the State of Colorado regarding amendment of the Federal ''Endangered Species Act of 1973.'' I furthermore urge my colleagues to act favorably upon the instructions offered by my Great State.

HOUSE JOINT RESOLUTION 99–1051

By Representatives Johnson, Alexander, Grossman, McKay, Miller, Smith; also Senators Hillman, Anderson, Congrove, Dennis, Epps, Evans, Lamborn, Musgrave, Owen, Powers, Tebedo, Teck.

CONCERNING AMENDMENT OF THE FEDERAL ''ENDANGERED SPECIES ACT OF 1973''

Whereas, The ''Endangered Species Act of 1973'' (ESA) needs to be amended to encourage proactive species conservation efforts at the state level rather than reactive, burdensome, and costly efforts at the federal level; and

Whereas, Merely listing a species as threatened or endangered does little to conserve the species; and

Whereas, Many state programs such as Colorado's nongame program have been very successful in conserving species such as the boreal toad without a federal listing; and

Whereas, The ESA should provide incentives for states to adopt proactive approaches to avoid the listing of species under the ESA rather than penalizing such efforts; and

Whereas, The ESA should be amended to provide that a federal listing is not required where a state has already adopted a program to protect the species unless it is absolutely necessary to avoid nationwide extinction; and

Whereas, If a state has an effective program to protect a listed species in place, that program should be recognized as a reasonable and prudent alternative under the ESA, thereby providing a cost-effective means for species recovery, maintaining state jurisdiction over land and water resources, and allowing economic development to move forward, and

Whereas, States should not be penalized for efforts to enhance or establish populations of species by federal pre-emption once the species is listed, rather, such populations should qualify as experimental under the ESA, thereby maintaining control and regulation of the species by the state; and

Whereas, The ESA should not be applied retroactively, and projects in existence prior to the passage of the ESA that may come up for a federal permit or license renewal but do not involve an expansion of the project or an increase in the environmental impact of the project should not be subject to consultation under Section 7 of the ESA; and

Whereas, Federal implementation of the ESA to protect aquatic species must consider state water rights, and any recovery program should be structured to avoid or minimize intrusion into state authority over water allocation and administration; and

Whereas, The administration's ''No Surprises'' policy should be adopted as an amendment to the ESA so that permit holders and landowners have some assurance that once ESA requirements have been met, no further mitigation efforts will be required; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:*

That we, the members of the Sixty-second General Assembly, urge Congress to adopt these amendments to the federal ''Endangered Species Act of 1973''.

*Be it Further Resolved,* That a copy of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Colorado's Congressional delegation.

RUSSELL GEORGE,
*Speaker of the House of Representatives.*
JUDITH M. RODRIGUE,
*Chief Clerk of the House of Representatives.*
RAY POWERS,
*President of the Senate.*
PATRICIA K. DICKS,
*Secretary of the Senate.*

## A NATIONAL MODEL FOR REDUCING YOUTH VIOLENCE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. FARR of California. Mr. Speaker, sex, drugs and rock and roll were condemned thirty years ago and here we are today talking about trying to legislate morality when we should really be talking about are education and prevention programs to stop youth violence.

I want to show my colleagues what one of my communities has done * * * the City of Salinas has just published their Strategic Framework to reduce youth violence in their community. It is the result of a community collaborative planning process involving core group members from the schools, social services, faith community, education, health and law enforcement, and the private sector. The intent of the Strategic Framework is to provide a snapshot of community assets and needs, and to chart out the kinds of long-term efforts needed to prevent and reduce violence.

I want to quote from the Mayor's letter, ''The root causes of violence are varied and complex * * * We can no longer afford a fragmented and uncoordinated approach to youth violence. This community needs to create multi-disciplinary partnerships, which share resources and transcend the compartmentalization and organizational limitations of the status quo.''

Salinas' ''Framework for Violence Prevention'' is really a ''one size fits all'' approach that any community in the country can follow to find their own solutions for youth violence.

If we truly want to have an impact on reducing youth violence, I urge my colleagues to work with their local communities to initiate the kind of grass-roots assessment that Salinas did because we won't find the solutions to youth violence here in Washington.

## PERSONAL EXPLANATION

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mrs. EMERSON. Mr. Speaker, on rollcall No. 204, I was inadvertently detained. Had I been present, I would have voted ''aye.''

## PERSONAL EXPLANATION

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. DAVIS of Illinois. Mr. Speaker, due to business in the District, I was unavoidably detained in Chicago. As a result, I missed roll votes number 210, 211, 212, 213.

Had I been present I would have voted ''nay'' on 210 ''nay'' on 211, ''yea'' on 212, ''nay'' on 213.

## FARM EMPLOYMENT EQUITY

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. SCHAFFER. Mr. Speaker, recently I, along with a bipartisan list of cosponsors, introduced H.R. 1874, the Farm Employment Equity Act, also referenced as the ''Unemployment Tax Act.'' The proposal reduces the unemployment tax burden on smaller American agricultural operations—the kind typically know as family farms.

Mr. Speaker, I'm proud to report today, the Colorado General Assembly has endorsed my proposal by the passage of Colorado House Joint Resolution 99–1053 sponsored by State Representative Brad Young, and State Senator Mark Hillman. Colorado's concern for small agriculture producers is now a matter of official public policy, and I commend the leadership of Representative Young and Senator Hillman. Mr. Speaker, this Congress should fully consider and embrace the recommendation of the Colorado General Assembly on this important matter of farm tax relief. Accordingly, I hereby submit for the RECORD, Colorado's official position put by House Joint Resolution 99–1053.

Whereas, Employers who pay cash wages of $20,000 or more to farm workers in any calendar quarter or employ 10 or more employees at least part time during at least 20 different weeks in a calendar year are required to pay federal unemployment taxes in accordance with the federal ''Unemployment Tax Act'', and

Whereas, The $20,000 threshold has not been adjusted since 1978 when federal unemployment tax liability was first imposed upon farm and ranch employees, and the average size of farms and ranches continues to increase as the number of farms and ranches decreases; and

Whereas, While farm production and efficiency have increased, rising costs, imports, and falling commodity prices all threaten the economic security of the nation's family farmers; and

Whereas, Given the crisis situation in American agriculture, America's family farmers need tax relief to maintain their operations and their families; and

Whereas, Unless America's farm families obtain needed tax relief, these farmers may be forced to sell their land, opening the door for development and threatening the well-being of local economies dependent upon small farms; now, therefore, be it

*Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of the Sixty-second General Assembly, request the Congress of the United States to pass legislation to amend the federal ''Unemployment Tax Act'' to increase the maximum amount of wages that a farmer can pay for agricultural labor without being subject to the federal unemployment tax on such labor, to reflect the effects of inflation on such maximum amount of wages since such tax was first enacted, and to provide for an annual inflation adjustment in such maximum amount of wages; be it further

*Resolved,* That copies of this Joint Resolution be sent to the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Labor, and to each member of Colorado's delegation to the United States Congress.

## SUPPORT OF THE AIR 21 LEGISLATION

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Air 21 legislation. I believe it is a fair attempt to ensure the safety and economic well being of our nation and its airports. I also support the Shuster manager's amendment. Mr. Speaker this legislation is fair and right. For those who oppose immediate elimination of slots this amendment postpones the elimination of slots at O'Hare for two years until 2002, and for New York's Kennedy and Laguardia airports until 2007. This will allow many of the smaller airlines increased access to larger airports ultimately increasing flight availability, reduced flight delays and decreased airfares.

It is imperative that Congress seize this opportunity to invest in our nation's aviation system and protect the flying public. Mr. Speaker, while airports are crowded today, air travel is forecast to increase by over 50 percent to one billion passengers over the next 10 years. We desperately need more funding to curb the increasing demand on our nation's airport. Capacity constraints and air traffic control outages have caused many flight delays and cancellations. Air 21 will enable America to continue to prosper and avoid gridlock in our aviation system. If we fail to invest in our nation's aviation system we will compromise aviation safety, increase delay time and hinder much needed technological innovations. Air 21 is exactly what we need, it provides airport modernization, improves capacity, and increases fair competition.

For this reason I support Air 21 and urge all of my colleagues to vote in support of this very important legislation.

## HELP FOR THE UNINSURED: H.R. 2185

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. STARK. Mr. Speaker, on June 14, I introduced H.R. 2185, the Health Insurance for Americans Act, to provide refundable tax credits for the purchase of health insurance through a consumer co-op type of mechanism.

We must act to revise America's health care system. The current system of employer-based coverage is dying, as the following quote from a May 1999 study for the Health Insurance Association of America by Dr. William Custer, makes clear:

There were 31.8 million uninsured non-elderly Americans in 1987. In 1997, this number had risen to 43.1 million, which represents a 35.5 percent increase. From 1996 to 1997 alone, the number of non-elderly Americans without health insurance rose by 4.1 percent. And this report forecasts that the number of uninsured Americans will climb to 53 million during the next ten years and could, if the nation experiences an economic downturn and higher-than-predicted health-care cost inflation, reach 60 million by 2007. This would mean that almost one of every four non-elderly Americans would lack health coverage.

The primary reason for the increase in the number of Americans without health coverage over the past 15 years has been the increase of health care costs relative to family income. Almost six of every ten uninsured Americans lives in families with incomes of less than 200% of the federal poverty level. And while public programs such as Medicaid provide health coverage to about half of those in families with incomes below the federal poverty level, these individuals account for nearly three out of every ten uninsured Americans.

Is there hope that other proposals will noticeably reduce the number of uninsured? For example, various Republicans are pushing the idea of Health Marts and Association Health Plans as forums where small businessmen can buy cheaper health insurance policies for their workers. But we know from polling of many small businesses that they have no interest in being in the health insurance-providing business. Even if it didn't cost them a penny, a majority of small businesses have said they didn't want to be involved in this process!

In addition, a May 1999 study by the National Coalition on Health Care entitled ''Small Employer Health Insurance Purchasing Arrangements: Can They Expand Coverage?'' reports:

The central conclusion of this study is that while Health Marts and Association Health Plans will offer advantages to some small firms and may somewhat reduce the deterioration in health insurance coverage in the U.S., they will not by themselves solve the problem of the uninsured. That is primarily because, on balance, neither Health Marts nor Association Health Plans are likely to reduce health costs enough to significantly entice most small firms not now offering coverage to buy health insurance. In addition, benefit packages that are significantly less comprehensive than typical do not seem to have broad appeal, and may still be too costly for most small businesses . . . .

Even the most optimistic estimates of the impact of eliminating state mandated benefits or implementing Association Health Plans suggest that between 80% and 80% of the 43 million Americans who are uninsured today would remain uninsured.

Mr. Speaker, it is clear that we need to try new approaches to a problem which is growing evermore serious. Following is a summary of the tax credit bill I have introduced. I hope my colleagues will join me in exploring this approach.

SUMMARY OF HEALTH INSURANCE FOR AMERICANS ACT

REFUNDABLE TAX CREDIT FOR PURCHASE OF QUALIFIED HEALTH INSURANCE

Amount: $1,200/adult; $600 per dependent child, $3,600 max per family. Dollar amounts adjusted by annual inflation in Federal Employee Health Benefits Program (FEHBP) average premium increase.

Eligibility: Anyone not participating in subsidized employer plan or public plan, or eligible for Medicare.

QUALIFIED HEALTH INSURANCE

Is private sector insurance sold through new HHS Office of Health Insurance (OHI).

Insurance must be guaranteed issue/no waiting period, no pre-existing condition, community rated policies.

OHI may negotiate on price, ensure quality of providers and adequacy of benefit package (Like the Office of Personnel Management does for FEHBP now), and hold open enrollment periods to facilitate comparison pricing.

Every insurer selling to FEHBP must offer to sell similar policies to OHI, but may also offer zero premium policies.

OHI will serve as an administrative device to move tax credit from IRS to the insurer selected by the individual, thus providing 'advance funding' and preventing fraud.

Effective date: 2001.

Financing: Not spelled out in bill. Can be surplus, business tax, VAT, insurer/provider surtax, savings from reduced subsidies to providers to provide for the uninsured.

## IMPROVEMENTS TO THE ENDANGERED SPECIES ACT

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. CALVERT. Mr. Speaker, the Endangered Species Act of 1973 was well-intentioned legislation. But the Fish and Wildlife Service, especially in California, is working outside of the ESA and undermining its original intent.

Today, I am dropping the third in a series of single-issue bills to make common sense corrections to the ESA. My bill would prohibit the use of any information obtained by trespassing on privately owned property without the consent of the owner. This bill would restrict Fish and Wildlife from using any information that was illegally obtained to declare habitat or otherwise administer the Endangered Species Act.

It is common sense that trespassing is illegal. We all know that. Yet I continue to hear, over and over, that Fish and Wildlife is using information that was questionably obtained to administer the ESA. Mr. Speaker, the Fish and Wildlife Service is not above the law. While Fish and Wildlife employees may or may not be the ones doing the actual trespassing, they have continually shown a disregard for how information was obtained, thereby encouraging trespassing.

In May, the Resources Committee held a hearing with community officials and landowners to outline the problems they are having with Fish and Wildlife's implementation of the ESA. Every member of Congress needs to sit up and take notice and talk to their local officials. This is not just a problem in California, but in places as far east as North Carolina and as far north as Washington.

I'm frustrated, Mr. Speaker. So frustrated that I will introduce one ESA reform bill every week until the field hearing on July 9. This is a call to common sense.

## RECOGNITION OF COMMAND SERGEANT MAJOR DAVID HENDERSON'S RETIREMENT

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. HAYES. Mr. Speaker, I ask my colleagues to join me in paying tribute to Command Sergeant Major David Henderson, who will retire from the Army on Monday, June 21, 1999. CMS Henderson has distinguished himself through more than twenty-five years of service to this great nation. I've had the privilege of getting to know CMS Henderson over the last several months, and it is clear after a moment in his company that he possesses a most unique quality of leadership. Like so many of our nation's great figures, CMS Henderson leads by example, bringing out the very best of all those who serve under his command. His genuine concern for and commitment to his soldiers serve as a model for others who seek to inspire excellence.

Over the last ten years, CMS Henderson has served as his unit's senior Non-Commissioned Officer. He has thrice led his men into combat missions which include Operations Urgent Fury, Just Cause, and Desert Shield/Storm. CMS Henderson's service during training, field exercises, and forward deployments is exemplary in every respect.

Mr. Speaker, the Army and our nation will lose a fine soldier this coming Monday. And while his departure from service is a loss for this country, I'm confident that he has instilled in many young men and women the motivation to strive for the best. I'm honored that I will be a guest at CMS Henderson's retirement ceremony. I ask that my colleagues join me in expressing our heartfelt gratitude to CMS Henderson and in wishing him the absolute best in his future endeavors.

## IN HONOR OF THE LATE MS. ELIZABETH JEAN BAIN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements and contributions of one of Colorado's finest, Ms. Elizabeth Jean Bain. Ms. Bain passed away on Monday, June 14, 1999, at age 89. While family, friends, colleagues, and community members remember the truly exceptional life of Jean Bain, I, too, would like to pay tribute to this remarkable woman.

Born in 1909, Ms. Bain was a member of one of Colorado's pioneering families, and the spirit, work ethic, and leadership of a pioneer was exemplified in her. Jean was a graduate of East High School and the University of Colorado. In 1960, she was elected to serve as a Republican to the Colorado General Assembly where she worked for 12 years to represent the city of Denver.

Serving on more than 30 boards and advisory councils, she provided leadership and inspiration to all she came into contact with. Ms. Bain, at one time, was a trustee of the University of Northern Colorado and Doane College in Crete, NE, and was a member of the National Executive Council of the United Church of Christ. She also found time to serve as director of the Colorado Mental Health Association, the Metropolitan Denver YMCA, the Better Business Bureau of Denver, the Girls Club and the Mile High Chapter of the American Red Cross.

Ms. Jean Bain touched many lives through her involvement in the community and through her desire to serve others. Although her professional accomplishments will long be remembered and admired, most who knew her well will remember her dedication to service and the inspiration she provided. It is clear that the multitude of those who have come to know Ms. Bain will be worse off in her absence. I am confident, however, that in spite of this profound loss, the family and friends of Ms. Jean Bain can take comfort in the knowledge that each is a better person for having known her.

## HONORING J. SAVAGE, S.J.

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the memory of Father Thomas J. Savage, S.J., the 11th President of Rockhurst College. The passing of this exceptional man leaves us with a great sense of sadness and grief. Fr. Thom cannot easily be described in words but the impact he made upon the Greater Kansas City region is monumental and reflects his selfness, lifelong mission to assist those most in need. He was not just a leader but a visionary whose accomplishments continue to positively affect our community.

Fr. Thom was especially talented in three areas of expertise: urban planning, education, and spirituality. During his tenure at Rockhurst College, he directed the campus renovation and construction of several facilities including the state of the art Richardson Science Center, the Town House Village, the Jesuit Residence, and Van Ackersen Hall. His goal was to expand Rockhurst's services to its students and to the community. Never forgetting the College's neighbors, the made great efforts to make the school inclusive by taking advantage of its urban location. By using valuable input and resources from members of the community as he further developed the area, he opened communication and strengthened a lasting friendship and alliance with the neighbors of Rockhurst.

Committed to lifelong learning and the Rockhurst motto: ''Not what to think, but how to think,'' Fr. Thom supervised and supported the revision of the college's liberal arts core curriculum, the introduction of the master's degree programs in occupational and physical therapy, and a unique partnership with Saint Louis University in South Kansas City at the Ignatius Center. In his own life, education played a significant part in shaping his role as a leader for our community and nation. Fr. Thom obtained an undergraduate degree in philosophy and sociology from Boston College, held a doctor of education and a master's degree in public policy from Harvard University, and a master's degree in city and regional planning from the University of California at Berkeley.

Instructed in the Jesuit tradition and officially ordained in 1979, Fr. Thom always aimed for high intellectual and ethnical standards and moral responsibility. He was a trailblazer who celebrated diversity, respect and true justice. In each aspect of his life he sought to bring about goodness. Even with a full workload and schedule, he could be heard in a lively debate on Sunday mornings on the radio as one of the hosts of ''Religion on the Line.'' His past roles in our community are evidence of his conscientious and generous intentions. As Co-Chairman of FOCUS Kansas City, Chairman of the Missouri Humanities Council, Vice President of the Kansas City Chapter of Phil Beta Kappa, Trustee of the Liberty Memorial Association, Member of the Menninger Clinic Board of Directors, the Kauffman Foundation Board of Trustees, the Midwest Research Institute Board of Trustees, the Preferred Health Professionals Board of Directors, and the Holocaust Memorial Advisory Board, Fr. Thom demonstrated his personal commitment to many worthy causes. He wrote for several publications and newspapers to share his views on board governance, trustees, Catholicism, and pedagogical issues.

Fr. Thom Savage is truly an inspiration for all who knew him and were touched by his innumerable acts of kindness. His sharp, honed wit and personable, outgoing nature were character trademarks and will be sorely missed. Along with many others from our region and across the nation, I mourn the death of this outstanding man. He will long be recognized as a hero, an agent of change, a champion for the underprivileged, a spiritual leader, and most importantly a friend to everyone in my community.

Mr. Speaker, please join me in extending sympathy to his mother and the entire Savage family.

## ORION INTERNATIONAL TECHNOLOGIES, INC.

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. PASTOR. Mr. Speaker, I rise today to acknowledge Orion International Technologies, Inc., the 1999 recipient of the U.S. Small Business Administration's National Small Business Prime Contractor of the Year award.

Since its formation in 1985 by cofounders Dr. Miguel Rios, Jr., and his wife Maria Estela Rios, numerous Federal agencies, including

the Department of Defense, Department of Energy, Federal Aviation Administration, and the Department of Veterans Affairs, have come to rely on Orion's technical excellence and proven contract performance. In addition to the company's commitment to technical achievement, Orion's highly dedicated staff and allegiance to customer service and satisfaction are the foundation for this company's success.

Although headquartered in Albuquerque, NM, over the last 14 years, Orion has experienced controlled, continuous growth, which has resulted in the establishment of satellite offices in Puerto Rico, Massachusetts, Texas, and Virginia. This success and growth would not be possible without the outstanding leadership, vision, and talents of Dr. and Mrs. Rios and Mr. Felix Sanchez.

Under Chairman and Chief Executive Officer Dr. Miguel Rios, Jr., President and Chief Operating Officer Mr. Felix Sanchez, and Executive Vice President for Governmental Affairs Mrs. Maria Estela Rios, Orion has become one of the Southwest's premier providers of high-quality engineering products and services. Orion's success did not come overnight, but through hard work and perseverance this small business achieved the American dream.

I, for one, am inspired by this accomplishment.

## A MEMORIAL TRIBUTE TO JUNE WALLIN

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my very dear friend, June Wallin. June would have been recognized by a grateful community for her many years of volunteer service to the Chaffey Community Republican Women, Federated with a tribute in her honor on Friday, June 25. Sadly, she passed away Monday night.

June Wallin was active in local Republican Party politics for nearly 40 years. Over the years, she showed enormous dedication and gained the enduring respect of many people within the Republican Party. Many will feel the loss of her spirit and drive in our local party.

June began her service as member of the San Bernardino County Central Committee in 1963, and served five times as its chairman. She joined the California Central Committee in 1965 and was awarded the Gold Key for service in 1984 and 1986. She was a delegate to every Republican convention from 1976 to 1992, and served as a California delegate to the Electoral College in 1988. For many people, June Wallin is the heart and soul of the party in San Bernardino County.

June's work and commitment was particularly instrumental to the long-term success of the Federation of Republican Women, where she served as president at the local and state level, as well as on the national board of directors.

Over the years, June has been widely recognized for her contributions to our local community. She was a charter member of the San Bernardino County Adult Correctional Advisory Council, chairman of the county's Commission on the Status of Women, chairman of the Domestic Violence Task Force and chairman of the local board for the Selective Service System. She was a Grand Juror, an election board trainer and a tutor in the literacy program. She has been active with the Upland First United Methodist Church and the Assistance League of Upland.

Always remaining active, June strongly supported her husband, Ray Wallin, in his activities as a member of the Masons and Shrine. She put in more than 3,000 hours as a volunteer for the San Antonio Community Hospital Auxiliary.

Mr. Speaker, I ask you and our colleagues to join me in recognizing the tremendous contributions of this remarkable woman. June Wallin made a difference in the lives of so many people in our local community and I am grateful beyond words for her long and dedicated service.

## RECOGNITION OF HOPE ELIZABETH BROWN, LOYAL HIGHWAY CONTRACT LETTER CARRIER FOR THE UNITED STATES POSTAL SERVICE

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. WEYGAND. Mr. Speaker, I rise today to recognize Hope Elizabeth Brown, a resident of Exeter, Rhode Island, who will retire on June 30, 1999, from carrying mail for the Exeter Post Office. Ms. Brown is particularly remarkable in her dedication and loyalty to the United States Postal Service and the state of Rhode Island because of the length of her service. This extraordinary woman—who, in the words of a coworker, is now ''eighty-three years young''—has worked for the Postal Service for sixty years.

Except for two years during World War II when Ms. Brown acted as Postmaster in Exeter, all the years of her employment were spent delivering mail in Exeter and nearby Slocum. And, as we all know, our letter carriers work six days a week, fifty-two weeks a year, through rain, sleet, and snow. Ms. Brown certainly contributed to that reputation; in her sixty years of service, she missed work only because of family sorrows.

Ms. Brown's work ethic and dedication to the people she serves has been mirrored by the devotion shown her by her family, friends, and coworkers. Although she still insists on placing the mail in the boxes herself, members of her family support her by driving the route, as she no longer always feels capable of handling the delivery truck on the highway. The current Postmaster of Exeter, Mr. Thomas Fisher, recently wrote of Ms. Brown that she ''exemplifies the spirit of America's mail system,'' and that, furthermore, ''her dedication, commitment, and honesty is surpassed only by her love for the mail.'' On June 19, her community will honor her with a retirement party at the American Legion Hall in North Kingstown, Rhode Island, a well-deserved tribute to her service and example to us all.

In today's booming economy, we sometimes forget to recognize and celebrate the workers who, simply by doing their jobs faithfully and well every day, ensure that this country continues to thrive. Ms. Brown, through her work as a Highway Contract Letter Carrier, has made an amazing contribution both to her community and, by extension, to her country as a whole. Without people like her, who show up for work every day without excuse or complaint, we would not be enjoying the economic prosperity we have today. Although her type of work ethic should be the norm, it should never be taken for granted, and we must always remember to thank the people who work hard for us. Please join with me in the long-overdue appreciation of Hope Elizabeth Brown and other dedicated workers like her.

## TRIBUTE TO THOMAS J. D'ALESANDRO III, ESQ.

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Ms. ESHOO. Mr. Speaker, I rise today to honor Thomas J. D'Alesandro, III who was recently awarded the distinguished President's Medal by his alma mater, Loyola College of Baltimore, at Loyola's commencement ceremonies on May 18, 1999.

Thomas D'Alesandro is one of Baltimore's great civic leaders whose leadership as Mayor of Baltimore came at a crucial time during the city's history. His dedication to the principles of justice and equality helped advance the cause of civil rights in Baltimore. Grounded in a personal commitment to these values, he led his community with a moral authority, championing landmark legislation for all he represented.

Thomas J. D'Alesandro, III is part of a legendary political family. The D'Alesandros are the ''first family of Baltimore politics'' and a classic American success story. Thomas' father, Thomas D'Alesandro, Jr. was also a great Mayor of Baltimore and later served as a Member of Congress. His mother, Nancy D'Alesandro, was a major figure in Baltimore politics in her own right and was described by former Governor William Schafer as ''a very fiery women, loved her kids, and was superb to old Tommy. She was a Democrat through and through.'' His only sister NANCY was elected to the Congress in 1987, and has distinguished herself as a great civic leader of her adopted City of San Francisco and is considered one of the most widely regarded Members of Congress.

Mr. Speaker, character blooms in critical moments of choice. At that moment, complacency must give way to action, the expected must be set aside for what is just. Thomas D'Alesandro's resolute leadership as President of the City Council resulted in the passage of Baltimore's landmark Civil Rights Act. He later said that this legislation grew not from political expediency but from a moral imperative instilled in him by his years of Jesuit education.

After serving as President of the Baltimore City Council, Thomas J. D'Alesandro, III followed in his father's footsteps and was elected Mayor in 1967. During his term as Mayor, Baltimore saw advancement in nearly every avenue of equal opportunity from housing to employment. Through criticism and praise alike, he maintained his distinctive presence of straightforwardness and honesty. It was because of his leadership that Baltimore was

kept calm for two full days after the tragic assassination of Dr. Martin Luther King.

The Jesuits of Loyola College look with pride at the extraordinary contributions that Thomas D'Alesandro has made. His service to his community, his devotion to his family, and his commitment to the faith and values taught at Loyola represent the ''Jesuit ideal'' that the Society of Jesus seeks to instill in their pupils. It is truly fitting that Loyola honors him with its President's Award.

Mr. Speaker, I ask my colleagues to join in honoring Thomas D'Alesandro, III for his historic contributions to civic life in Baltimore and congratulate him on being awarded the prestigious Loyola President's Award for a life lived by the highest ideals of service to humankind.

## A SPECIAL TRIBUTE TO GEORGE COX FOR HIS SERVICE AND PATRIOTISM TO THE VETERANS OF FOREIGN WARS

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to an outstanding individual from the state of Ohio, George Cox. This weekend, in Columbus, Ohio, a very special celebration will take place marking the 100th Anniversary of the Veterans of Foreign Wars.

Mr. Speaker, George Cox is currently serving as the State Commander for the Ohio Veterans of Foreign Wars and has been instrumental in organizing the 100th Anniversary celebration. Through his efforts over the years, George Cox has helped make the Ohio VFW one of the premier veterans service organizations in the nation.

Without question, George Cox has taken his love of country and his commitment to duty and honor very seriously. He served valiantly during the Korean Conflict with the First Marine Division. In 1968, Mr. Cox joined the Veterans of Foreign Wars and has achieved success over the years serving as State Commander, District Commander, and Post Commander. He is currently a member of VFW Post 6772 in Spencerville, Ohio.

Not only has George Cox given much to the VFW, he has shown unwavering devotion to many other activities as well. He has served on the Allen County Veterans Commission, American Legion Post 191, and retired from the Ford Motor Company after forty-two years with the company. In addition, George spends time working with children at the national home, in parades, and at Post 6772 events. George also founded a Christmas party for underprivileged children in Spencerville.

Mr. Speaker, George Cox is a remarkable person. A dedicated family man, he and his wife, Mary, have been married for forty-six years and have a wonderful family. He has unselfishly given his time and energy to serve veterans from across the state of Ohio and for that we owe him our profound thanks.

At this point, I would urge my colleagues to stand and join me in paying special tribute to the Ohio State VFW Commander, George Cox, and to everyone attending the 100th Anniversary of the Veterans of Foreign Wars. We wish you the very best both now and in the future.

## THE MARRIAGE TAX PENALTY

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SCHAFFER. Mr. Speaker, the Marriage Tax Penalty should be repealed.

As we prepare to celebrate Fathers Day on June 20, Congress would do well to seize the occasion by repealing the pernicious laws which attack the institution of marriage.

Mr. Speaker, I am proud of my home State of Colorado for establishing official policy opposed to the marriage tax penalty. Under the visionary leadership of Colorado State Representative Andy McElhany, and State Senator Ken Arnold, the Colorado General Assembly has established its official position on this matter by virtue of its passage of Colorado House Joint Resolution 99–1055.

Mr. Speaker, I hereby submit for the RECORD, and for the consideration of our colleagues, H.J.R. 99–1055. This important Resolution urges us to repeal all taxes which penalize marriage, and I urge my colleagues to follow the wise example of Colorado policy.***HD***House Joint Resolution 99–1055

Whereas, The Congressional Budget Office estimates that the federal income tax system imposes a marriage tax penalty on twenty-three million Americans; and

Whereas, The marriage tax penalty discourages hard work by penalizing dual-income married couples more than any other individuals; and

Whereas, Under the federal income tax system, married individuals have smaller standard deductions, earlier loss of itemized deductions and personal exemptions, a smaller capital loss deduction, and a double loss of IRA deductions when compared to single individuals; and

Whereas, The marriage tax penalty has a severe impact on the working poor; and

Whereas, It is unfair and inappropriate for the federal government to impose an additional income tax penalty on married individuals; and

Whereas, Several bills to eliminate the federal marriage tax penalty are presently pending before the United States Congress; and

Whereas, The elimination of the federal marriage tax penalty is an important step in creating a fairer and simpler federal income tax system; now, therefore be it

*Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:*

That we, the members of the General Assembly, urge the United States Congress to enact legislation eliminating the federal marriage tax penalty. Be it

*Further Resolved,* That copies of this Joint Resolution be sent to each member of the Colorado congressional delegation and to Charles O. Rossotti, Commissioner of the Internal Revenue Service.

## HONORING CHARLENE NELSON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an individual who, for so many years, has provided a strong voice and dynamic leadership to one of Colorado's schools, Charlene Nelson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty.

As a sixth grade teacher at Penrose Elementary School, Charlene Nelson has spent the last 8 years making an impact on her students and teaching how learning can be fun. Specializing in rain forest issues, Mrs. Nelson has sparked lasting interest in her students by contributing to the World Wildlife Fund, and teaching about diminishing rain forests.

With all the things that Mrs. Nelson does to encourage her students, it is not hard to see why she has been awarded the title of ''Teacher of the Year''. To earn this title, Charlene Nelson was nominated by her peers and selected by a committee of past winners and administrators. Mrs. Nelson has proven herself to be a woman with a warm heart who, selflessly, gives to those who look up to her.

Individuals such as Mrs. Charlene Nelson, who contribute and set a good example to our youth, are a rare breed. Fellow citizens, as well as students, have gained immensely by knowing Charlene Nelson, and for that we owe her a debt of gratitude.

## IN MEMORY OF GARRETT R. CROUCH

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SKELTON. Mr. Speaker, Mr. Speaker, it is with deep sadness that I inform the House of the death of Garrett R. Crouch of Warrensburg, Missouri.

Mr. Crouch was born on November 5, 1921, in Bethany, Missouri, the son of Ben G. Crouch and Nina M. Traxler Crouch. On August 29, 1948, he married Sue Robinson in Warrensburg, Missouri. Mr. Crouch was a veteran of WWII, serving in Europe with the United States Army. He was a graduate of the University of Missouri-Columbia, receiving a Bachelor of Science in Business Administration in 1947, and a Juris Doctor degree in 1949. He was admitted to the Missouri bar in 1949. At the time, he moved to Warrensburg, where he practiced law until 1999. He was City of Warrensburg Municipal Judge from 1981 until 1992.

Mr. Crouch was active in the community. He served as Commander of Warrensburg American Legion Post No. 131 and in 1956, as State of Missouri Department Commander. He was a member and past exalted ruler of the Warrensburg Elks Lodge No. 673, a member of Central Missouri State University Board of Regents and from 1989 to 1995, served as President of the Board. He was Director and Past President for Central Missouri State University Foundation and a recipient of the Central Missouri State University Distinguished

Service Award in 1995. He was also past President of the Warrensburg Rotary Club, a Paul Harris Fellow, and a member of the Missouri Bar and Johnson County Bar Association. He was a member of First Presbyterian Church of Warrensburg and a life member of the American Legion.

Mr. Crouch is survived by his wife, Sue; two sons, Garrett and Jeff; and one grandson, Drew.

Mr. Speaker, Garrett Crouch was a true friend through the years, to both myself and my father. He will be missed by everyone who had the privilege to know him. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

## LEGISLATION TO AMEND PROVISIONS OF THE TRADE ACT OF 1974

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. DUNCAN. Mr. Speaker, today, I introduced legislation which will amend the provisions of the Trade Act of 1974.

I think that everyone will agree that reimbursement of training costs under the Trade Readjustment Act (TRA) is of critical importance to those individuals who have been negatively impacted by the North American Free Trade Act (NAFTA). I have seen firsthand companies relocating and jobs being lost because of this Act.

Currently, an individual cannot be reimbursed by TRA funds for any training costs which have been incurred prior to the approval of the training program under the TRA.

In fact, an individual in my District encountered this problem. My constituent was laid off due to job relocation and started school just days prior to the certification of the TRA petition. Since the TRA makes no provisions to retroactively approve training, the individual did not receive a reimbursement. His only other choice would have been to deny his training an entire semester which would have meant he would be out of work even longer.

The legislation I introduced today would prevent this from occurring again by providing a retroactive 30-day period, preceding the date the Secretary approves the TRA petition, during which someone could be reimbursed for training expenses under the act.

This is the only way for individuals who try to plan ahead and then find themselves in this type of situation to take advantage of the funds allocated under TRA.

I encourage all of my colleagues to join me in supporting this modest proposal.

## GAY AND LESBIAN DEMOCRATIC CLUB TWENTY-FIVE YEAR FIGHT FOR GAY RIGHTS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mrs. MALONEY. Mr. Speaker, I rise to salute the Gay and Lesbian Democratic Club, on its twenty-fifth anniversary.

The Gay and Lesbian Independent Democrats (GLID) began as the Gay Independent Democrats five years after the Stonewall demonstrations.

GLID has played a central role in the fight for gay rights and in the election of openly gay candidates. An early leader of GLID. Christopher Lynn served as the head of New York's Taxi and Limousine Commission and later as NYC Transportation Commissioner. More recently, GLID leaders such as Tom Duane and Deborah Glick, two of the first openly gay persons elected to office in New York, used GLID as a springboard to elected office. In recent years, GLID played pivotal roles in the elections of three gay City Council Members. Christine Quinn, Margarita Lopez and Phil Reed.

As fighters for gay rights, GLID has been in the forefront of the effort to enact an appropriate domestic partnership bill in New York City. At the Federal level, GLID has worked to promote civil rights for gays, including efforts to pass the Anti-Hate Crimes Bill. GLID is one of the leading organizations fighting anti-gay measures like the Defense of Marriage Act and the Religious Liberties Freedom Act.

As part of their celebration GLID will honor three outstanding gay leaders in the city and state of New York. Two of these honorees. Tim Gay and Harry Wieder are long time members of GLID. Through their work with GLID, they have helped to reach out and mobilize gays and lesbians to elect progressive candidates. They have manned the barricades to protest injustices like the murder of Mathew Shepherd and discrimination in the military.

Tim Gay is a long time district leader in the Chelsea area of New York City, Tim Gay's diligence in fighting to improve the quality of life for his constituents has greatly contributed to the revitalization of Chelsea.

Harry Wieder in addition to his activities as a gay activist, has served as a leading advocate for the physically and mentally disabled. As a founder and board member of the 504 Democratic Club (named for a key provision in the Rehabilitation Act of 1973), Harry Wieder has fought tirelessly for the disabled and the reform of our health care system.

Barbara Kavanaugh was one of the first openly lesbian officeholders in New York State. A true trailblazer, Barbara was elected to the Buffalo City Council as an openly gay candidate. She currently serves as the Assistant Attorney General for Buffalo and has been active in the National Stonewall Democratic Federation.

I salute GLID for leading the fight to ensure full rights for gays and lesbians. This battle may take another twenty-five years, but with the strong efforts of GLID and others we can succeed.

## H.R. 1400, THE BOND PRICE COMPETITION IMPROVEMENT ACT

### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. BLILEY. Mr. Speaker, I am in receipt of the following correspondence from the gentleman from Nebraska (Mr. BARRETT), the chairman of the Subcommittee on General Farm Commodities, Resource Conservation, and Credit, regarding H.R. 1400. I submit the letter for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
*Washington, DC, May 24, 1999.*

Hon. TOM BLILEY,
*Chairman, House Commerce Committee, House of Representatives, Rayburn House Office Building, Washington, DC*

DEAR MR. CHAIRMAN: I want to take this opportunity to offer my congratulations on your bill, H.R. 1400, the Bond Price Competition Improvement Act of 1999. This important legislation will improve transparency in the bond market that will be beneficial to those purchasing these important financial instruments.

In reading the bill's report language, I note in section 3 that the bill's proposed changes ''are to affect only debt securities.'' The report language states further that these ''changes are not intended to affect the exemption from registration requirements enjoyed by securities issued by government sponsored enterprises, or to impose any requirements on government sponsored enterprises.''

As chairman of the House Agriculture credit subcommittee, I am extremely sensitive to proposals affecting the providers of credit to farmers and ranchers across our nation. The Farm Credit System, a government sponsored enterprise whose authorities fall solely within the jurisdiction of the Agriculture Committee, is an important provider of credit to production agriculture. The 500,000 farmers who use Farm Credit System institutions for their credit needs are facing terrific challenges brought about by bad weather, low commodity prices and lost export markets. Any change in registration requirements and the cost associated with such a change would be unwelcome, particularly at a time of such stress in the agricultural economy. Again, I note your bill in no way contemplates changes relative to securities issues by the Farm Credit System and therefore I am pleased to support H.R. 1400.

I appreciate all the work you have done on this legislation, and I look forward to working with you on issues of mutual concern in the future.

Sincerely,

BILL BARRETT,
*Chairman, Subcommittee on General Farm Commodities, Resource Conservation and Credit.*

## HONORING THE OAKLAND HIGH SCHOOL BASEBALL TEAM

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishment of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a distinguished goal.

The Oakland High School baseball team of Murfreesboro, Tennessee, won the state 3–A baseball championship this past season, the first Rutherford County high school team to ever win a state baseball championship.

These players trained vigorously and played tirelessly, as their 37–2 record indicates. They deserve recognition for a job well done.

I congratulate each team member, head coach Mack Hawks, assistant coach Jeff Mitchell, managers Brian Johnsey and Jacob Lamb, and school Principal Ken Nolan. I know they won't soon forget this milestone.

The players are true champions. They are Chuck Akers, Jeremy Slayden, Casey Rauschenberger, Brennan King, Jeremy Wilson, Shane Vaughn, Brian Blaylock, Jason Sharber, Bennie Hendrix, Jerry Knox, Joey Yost, Stephen McGowan, Caleb Barrett, Matt Lane, Tommy Smith, John Williams, Patrick Hicklen, Stevie Kline and Noah Thompson.

## A TRIBUTE TO JUNETEENTH

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Ms. BALDWIN. Mr. Speaker, I rise today to acknowledge Juneteenth Independence Day. June 19, 1865, is the date that news of freedom reached slaves in Texas; two and one-half years after President Lincoln signed the Emancipation Proclamation to abolish slavery. This holiday is now celebrated throughout our country as a time of joy, remembrance, and reflection.

It is my hope that all citizens recognize this important day and that we celebrate together for our communities, our nation, and our children. Among the plans for celebrating this day in Wisconsin's Second Congressional District, the Nehemiah Community Development Corporation's 1999 Juneteenth Celebration Executive Committee has organized a special event with beautiful cultural exhibits, colorful dancing, delicious food, exciting entertainment and music! I want to commend the organizers of this and other important celebrations going on in Wisconsin and throughout the United States.

Former U.S. Representative Barbara Jordan captured the aspirations of many who recognize the important symbolism of this day. She said, ''What the people want is simple. They want an America as good as its promise.'' How true her words are. Locally and nationally, the struggle for equality continues, but this holiday offers hopefulness for a better future.

## IN MEMORY OF THEODORE WILSON GUY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Colonel (Retired) Theodore Wilson Guy, United States Air Force, of Sunrise Beach, Missouri.

Colonel Guy was born April 18, 1929, in Chicago, Illinois, the son of Theopholus Wilson and Edwina LaMonte Guy. He was a highly decorated fighter pilot in Korea and Vietnam and was a prisoner of war for five years and one month in Laos and Vietnam. In March, 1968, his plane went down in Laos and he was the first military officer captured in Laos. He was eventually interned in North Vietnam and spent over four years in solitary confinement while a P.O.W.

Colonel Guy received the Air Force Cross, Silver Star with one oak leaf cluster, the Distinguished Flying Cross with three oak leaf clusters, the Air Medal with 12 oak leaf clusters and the Purple Heart with one oak leaf cluster.

Colonel Guy retired from the Air Force in 1973. He then became national adjutant for the Order of Daedalians and in 1977, became associated with TRW, with subsequent assignment in Iran as the senior tactical advisor to the Commander, Iranian Tactical Air Command.

Colonel Guy graduated from Kemper Military College in 1949, and immediately entered the Air Force, becoming a pilot in September, 1950. Except for senior service schools, his entire career was spent in Air Training Command and Tactical Air Command in the operations field. He amassed 5,700 hours of flying time—all in fighter or fighter trainer aircraft. Colonel Guy was a frequent speaker at local schools, colleges and universities throughout the United States.

Colonel Guy is survived by his wife, Linda; his two sons, Ted Jr. and Michael; two stepdaughters, Elizabeth and Katherine; one brother, Donald; and three grandsons.

Mr. Speaker, Colonel Guy was a dedicated airman and true patriot. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

## BALANCED BUDGET AMENDMENT RESOLUTION OF 1999

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SCHAFFER. Mr. Speaker, on the first day of the 106th Congress, I introduced H.J. Res. 1—the Balanced Budget Amendment Resolution of 1999.

Passage of this measure is of great importance to my State of Colorado. In fact Colorado, by adoption of House Joint Resolution 99—1040 in both House of the Colorado General Assembly, supports H.J. Res. 1 as a matter of official state policy.

I have spoken many times on the floor of the urgent need for a balanced budget amendment to the Constitution. Today I urge my colleagues to once again consider the necessity of this amendment. Furthermore I commend the leadership of Colorado State Representative Steve Tool, who is also my State Representative, and Senate President Ray Powers, for sponsoring H.J. Res. 99–1040. These statement have added great credibility and weight to the argument in favor of a balanced budget amendment.

Accordingly, I submit for the RECORD Colorado H.J. Res. 99–1040 and urge colleagues to consider the thoughtful opinion of the State of Colorado.

HOUSE JOINT RESOLUTION 99–1040

Whereas, the federal budget has been balanced only once since 1969, and federal public debt now exceeds $5.5 trillion, an amount equaling approximately $20,000 for every man, woman, and child in America; and

Whereas, Chronic deficit spending demonstrates an unwillingness or inability on the part of the executive and legislative branches of the federal government to spend no more than the amount of available revenues; and

Whereas, Fiscal irresponsibility at the federal level lowers our standard of living, destroys jobs, and endangers economic opportunity now and for those in the next generation; and

Whereas, The federal government's unlimited ability to borrow money to finance its deficits raises concerns directed to the fundamental structure and responsibilities of government, making such fiscal policies an appropriate subject for limitation in the United States constitution; and

Whereas, The United States constitution vests the ultimate responsibility for changing the terms of that charter with the people, as represented by their elected state legislatures, and opposition by a small minority in the United States Congress has consistently thwarted the will of the people that a balanced budget amendment be submitted to the states for ratification; now, therefore, be it

*Resolved by the House of Representatives of the sixty-second General Assembly of the State of Colorado, the Senate concurring herein,*

That we, members of the Sixty-second General Assembly, request the Congress of the United States to expeditiously pass and submit to the legislatures of the fifty states for their ratification an amendment to the United States constitution requiring that, in the absence of a national emergency the total of all federal appropriations for any given fiscal year not exceed the total of all estimated federal revenues for the fiscal year. Be it

*Further resolved,* That copies of this Joint Resolution be sent to each member of Colorado's delegation to the United States Congress.

## A SPECIAL TRIBUTE TO CHLOE WILLIAMS FOR HER DEDICATION TO OUR NATION'S VETERANS

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. GILLMOR. Mr. Speaker, it is with pride that I rise today to pay special tribute to an outstanding individual from the great state of Ohio. This weekend, in very special ceremonies in Columbus, Ohio, the Ohio Veterans of Foreign Wars will celebrate the 100th Anniversary of the organization. At those ceremonies, Ms. Chloe Williams will be among those helping make the 100th Anniversary a success.

Ms. Williams, of Post 1090, has given her time and energy to assisting our nation's veterans. A veteran of the United States Army, Ms. Williams is a life member of the Veterans of Foreign Wars. Through her service to our veterans and the VFW, she has moved through the ranks at the district and state levels of the VFW and Ladies Auxiliary.

Mr. Speaker, it is people like Chloe Williams that truly make a difference in the lives of our veterans. Through her work in District 8 and around the state, she has vigorously promoted the programs of the VFW, especially the Operation Uplink program, which provides long distance phone service to active duty personnel and to veterans.

It has been said that America thrives and prospers due to the unselfish and dedicated efforts of her citizens. With the hard work of Chloe Williams and the two million members of the Veterans of Foreign Wars, I think that adage is perfectly clear.

Mr. Speaker, on this 100th Anniversary of the Veterans of Foreign Wars, I would like to

say thank you to all those who have worked so hard on behalf of our veterans. Certainly, Chloe Williams has made a positive impact, and we thank her for her commitment. I would urge my colleagues to stand and join me in special tribute to Chloe Williams and to those attending the 100th Anniversary of the Veterans of Foreign Wars. Best wishes to each of you now and in the future.

## BAN JUDICIAL TAXATION

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MANZULLO. Mr. Speaker, today I am introducing an amendment to the Constitution to ban the Judiciary at any level of government from levying or increasing taxes. Why? Because levying and increasing taxes is a function of the legislative branch of government. Consider, after all, the separation of powers doctrine. Most citizens of our great country have heard at one time or another about separation of powers. We were taught about it in our civics classes growing up. We learned about it in our history classes. We read about it in the Constitution. I, for one, believe that the Constitution is clear in its delineation of duties. I don't believe the Founding Fathers meant to leave much to interpretation. There really are no mincing of words. Please consider:

Article I. Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States, but all duties, Imposts and Excises shall be uniform throughout the United States.—United States Constitution

Article I. Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills.—United States Constitution

These words are succinct and explicit, and they spell out exactly how taxes are to be raised. If there is any question, consider the following quotations from other relevant sources:

''Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control for the judge would then get the legislator. Were it joined to the executive power, the judge might behave with all of the violence of an oppressor.''

''There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates, or, if the power of judging be not separated from the legislative and executive powers . . . ''—James Madison, Federalist Number 47, quoting Montesquieu to defend the Constitution's separation of powers.

''[T]he judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution, whatever. It may truly be said to have neither Force nor Will, but merely judgement; and ultimately must depend upon the aid of the executive arm even for the efficacy of its judgements.''—Alexander Hamilton, Federalist Number 78

''The interpretation of the laws is the proper and peculiar province of the courts. A constitution is in fact, and must be, regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body.''—Alexander Hamilton, Federalist Number 78

If there is any phrase that sums up the reason for the existence of this republic, that phrase is ''no taxation without representation.'' These are the words of Thomas Jefferson, who, when he wrote the Declaration of Independence, cited King George for three things: (1) the king refused to pass laws that would allow people the right to be represented in their own legislature; (2) he called together legislative bodies at unusual times so nothing could be done; and (3) he imposed taxes on the people without their consent!

Finally, James Madison asked the rhetorical question in Federalist number 33, ''[w]hat is a power but the ability or faculty of doing a thing? What is the power of laying and collecting taxes but a legislative power?''

Why, then, 210 years after the ratification of our nation's Constitution do we have unelected judges—from the ''least dangerous'' branch—who are appointed for life, levying and raising taxes? Some people with whom I have spoken have asked me if judges can really do this. Well, they are doing it because they can. They can because Congress allows them to get away with it.

What is judicial taxation? It is the act whereby a federal court orders a state or political subdivision of a state to levy or increase taxes. In *Missouri* vs. *Jenkins* (110 Sup. Ct. 1661 (1990)), the Supreme Court held that a federal court had the power to order an increase in state and local taxes. Specifically, the 5 to 4 majority ruled that a federal district court has ''abused its discretion'' by directly imposing a local property tax increase to finance implementation of a school desegregation plan for the Kansas City, Missouri school district. BUT, the court stated that ''[a] court order directing a local government body to levy its own taxes is plainly a judicial act within the power of a Federal court,'' and that the federal judiciary may also block enforcement of state law limitations on local tax efforts that interfere with the funding of constitutionally-based desegregation plans. This is an ''indirect'' tax. The dissenters in the *Jenkins* ruling criticized the direct versus indirect distinction as a ''convenient formalism.'' However, the decision EXPANDED SIGNIFICANTLY THE POWER OF THE FEDERAL COURTS!

Those who oppose attempts to curb this power claim that the Kansas City case is the only case where a federal judge, Russell Clarke, ordered a tax increase to finance the building of a magnet school system to make it more appealing. Similarly, judicial taxation took place two decades ago when federal Judge Leonard Sand forced the elected representatives of Yonkers, New York to raise taxes on their constituents in order to finance the construction of public housing in middle-class neighborhoods. In New Hampshire, the state Supreme Court decreed that local schools must be funded with a statewide tax in order to equalize spending per pupil across the school districts.

In the congressional district I represent, Judge Michael P. Mahoney, the federal magistrate judge overseeing a desegregation case in Rockford, Illinois, concluded that the school district had authority under Illinois' Tort Immunity Act to issue bonds without referendum and to levy taxes to fund the remedial programs. Pursuant to this finding, the school district issued bonds and levied taxes from 1991 through 1997 under the Tort Immunity Act. Although the Tort Fund is not subject to voter control and was originally intended to be used to pay damages to individuals in civil liability suits, the federal magistrate ordered its use. More recently, the federal magistrate again ordered each member of the school board under threat of contempt and jail to increase taxes. Following that threat in late 1997, the school board capitulated and approved the $25 million tort levy for that year. After the vote, School Board Member David Strommer said, ''It's a disgrace for an American public official to face this kind of pressure.'' Since 1989, the city of Rockford, with a population of 140,000 people, has paid $183 million to comply with the court orders. That is a lot of money for such a small population, and that's for schools alone.

All of these examples run counter to the intentions of the Founding Fathers. Our nation cannot allow its liberties to slip by the wayside. We have judges raising taxes. We have a regulatory body, the FCC, imposing a telephone tax. We have a Congress that doesn't believe this is a problem. Of these, it is Congress that is directly accountable to the people.

So, what I have done legislatively to address judicial taxation? During the last Congress, I was able to insert a provision into the Judicial Reform Act. The provision was straight forward and was designed to severely limit the imposition of judicially imposed taxation. It would have applied to any order or settlement that directly or indirectly required a State, or political subdivision of a State, to increase taxes.

My efforts to bar the federal judiciary from directly or indirectly raising taxes were defeated by a gutting amendment. However, in a sense we succeeded because this may have been one of the few times and possibly the only time in the history of our republic where the issue of Congress ceding taxing authority to the courts has ever been debated. Putting a halt to judicial taxation is NOT about desegregation, prison overcrowding, environmental law enforcement, housing, or what have you. It is all about abiding by the fundamental tenants of our Constitution.

This Congress, I am focusing on a two-pronged approach. It is not going to be easy, but given the options, I believe that we have very few alternatives. I have introduced a joint resolution to amend the Constitution which reads simply, ''Neither the Supreme court, nor any inferior court of the United States, nor the court of any State in its application of laws under this Constitution or any Federal law, shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes.''

The second approach, and this is very important, is through the states proposing a constitutional amendment. Currently, states cannot propose amendments to the Constitution without first the calling of a constitutional convention. However, there is a proposal—H.J. Res. 29—which was introduced by Virginia Representative TOM BLILEY that would allow for a mechanism by which the states could propose amendments to the Constitution without calling for a constitutional convention. I am a cosponsor of this resolution.

Right now, as I understand it, 15 states have passed either a Resolution or a Memorial calling upon Congress to send to the

states for ratification of an amendment to the U.S. Constitution banning federal judges of inferior courts or the Supreme Court from having the power to levy or increase taxes. Those states include Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah. As it stands, there are no teeth in those resolutions because there is no mechanism. H.J. Res. 29 would provide that mechanism. We should all be working to pass that amendment, as well.

Levying taxes should remain a prerogative of the legislative branch. Thus, I will continue my efforts to stop judicial taxation.

## HONORING THE 25TH ANNIVERSARY OF THE UNITED SENIOR CITIZENS CENTER OF SUNSET PARK

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of the United Senior Center of Sunset Park as they celebrate 25 years of service to the elderly citizens throughout the Sunset Park area of Brooklyn. The organization provides fellowship and lends a helping hand whenever, wherever and to whomever it is needed.

First started in 1974, the center, then located at 56th and 6th Avenues, quickly became a vital part of the communities it served. As it grew, the need for their services was so great that they soon had to relocate to larger space at their current location of 53rd and 3rd Avenues where they have been for twenty years.

As the center expanded it began to address the diverse cultural needs of the communities they serve. They began by offering services in Spanish and, soon after that, added staff and programs in Chinese. These enhancements made the United Senior Center in Sunset Park more responsive and a more integral part of the rich cultural fabric of Brooklyn.

The diverse groups of seniors in Sunset Park can take advantage of the United Senior Centers many recreational programs, including tai-chi, bingo, arts and crafts, and swimming. Additionally, the center also offers important English as a Second Language courses to help individuals improve their day-to-day lives. There are citizenship programs, and nutrition-education seminars, as well as a variety of programs designed to assist seniors regarding senior's rights and entitlement benefits.

The dedicated staff and leadership of the United Senior Center of Sunset Park has done an exemplary job of helping seniors in our communities. Through their efforts they help an estimated 36,000 people a year.

I urge my colleagues to join me in congratulating the leaders and staff of the United Senior Center of Sunset Park on their 25th anniversary. The center is an integral part of our diverse culture in Brooklyn, and I wish them continued success for the next 25 years and beyond.

## BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

SPEECH OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 1999*

Mr. DINGELL. Mr. Speaker, as Ranking Member of the Committee on Commerce, as well as one of the original sponsors and a Floor-Manager of H.R. 1400, the Bond Price Competition Improvement Act of 1999, I rise to clarify a matter involving the legislative history of this legislation. My remarks are an extension of remarks that I made during House consideration of H.R. 1400 (June 14, 1999, CONGRESSIONAL RECORD at H4137).

Prior to floor consideration of H.R. 1400, both the bill and the committee report had been processed on a fully cooperative, bipartisan basis that respected the rights of the majority and minority members of the Commerce Committee. For that, I commend the gentleman from Virginia (Mr. BLILEY), distinguished chairman of the Committee on Commerce.

During House consideration of H.R. 1400 on Monday of this week (June 14, 1999, CONGRESSIONAL RECORD at H4132–4137, 4139–4140), I became aware of the intention of the Majority to insert in the RECORD as an extension of Chairman BLILEY's remarks ''legislative history'' submitted by the Bond Market Association (BMA).

When I questioned proceeding in this manner, I was assured by Mr. BLILEY that the material was ''not a part of the legislative history at the moment'' and that the minority would be given an opportunity to peruse and approve the BMA remarks before they became legislative history (June 14, 1999, CONGRESSIONAL RECORD at H4136). However, I was informed by the gentleman from Virginia in a subsequent phone call that he had misspoken: the material had been inserted in the RECORD without the Minority's review and approval.

I have the following comments on that material which is printed on pages H4134–4135 of the CONGRESSIONAL RECORD for June 14, 1999, immediately following the statement that Chairman BLILEY actually delivered to the House:

The Bond Market Association's representatives, who played a constructive role in the development of the legislation, have explained that they wanted to address several concerns raised by their lawyers with the Committee report. They felt that it was inaccurate and painted too bleak a picture of the state of bond market transparency. I have no particular quarrel with their goal. I have a large quarrel, as I stated on June 14, with the process. Furthermore, the BMA document itself contains inaccurate statements.

Because the Majority did not include in the main body of the Committee report the findings of the SEC's review of price transparency in the markets for debt securities in the U.S., I included a summary thereof in my additional views (House Report No. 106–149 at 12). BMA admits that my summary is correct. The BMA summary that appears in the RECORD, however, is not correct (H 4134, carry-over paragraph, top 2nd column). For example, contrary to the BMA document's assertion, the entire U.S. Treasury market was not found to be ''highly transparent.'' The markets for ''benchmark'' U.S. Treasury bonds were found to be ''highly transparent,'' while other Treasury and Federal agency bonds were found to provide a ''very good'' level of pricing information. While the differences that give rise to a ''highly transparent'' versus a ''very good'' rating may escape the untrained and uninitiated, the BMA document's failure to accurately reflect the SEC's conclusions begs the question whether this was sloppy draftsmanship or a deliberate attempt to mislead. The text of the SEC report's summary of findings appears at the end of these remarks. The entire report is printed in the September 29, 1998 hearing record, Serial No. 105–130, at pages 7–18.

The March 1998 Treasury-SEC-Federal Reserve Joint Study of The Regulatory System For Government Securities did report on private sector efforts to improve the timely public dissemination and availability of information concerning government securities transactions and quotes. Its conclusion at page 18 was that ''[t]here have been significant advances in transparency for government securities transactions over the past several years, primarily originating from commercial vendors'' (H4134, paragraph 1, 2nd column).

Contrary to the impression given by the BMA's document, Nasdaq's Fixed income Pricing System (FIPS) has done little to make the high yield market more transparent. Specifically, FIPS does not make public any actual transaction reports for high yield bonds, although it is true that such transactions are reported to the NASD, mostly at the end of the day. FIPS publishes quotations, which are generally considered too inaccurate to be useful, for just 50 selected bonds, and also publishes transaction summaries giving the high price, low price, and aggregate volume for all registered high yield bonds (H4134, bottom 2nd column, top 3rd column).

The BMA document notes testimony claiming vast differences in the level of price transparency between liquid and illiquid equities. However, NASD Bulletin Board stocks are subject to real time last sale reporting, as are many listed equities and listed options which are, in fact, highly illiquid (H4134, paragraph 1, 3rd column).

There are nothing like 300,000 to 400,000 corporate bonds, as that term is commonly understood. The SEC has advised us that there are approximately 30,000 to 40,000. The estimate of 300,000 to 400,000 in the BMA document probably includes mortgage-backed securities guaranteed by GNMA which are issued by private corporations but are ''exempt'' securities and not ordinarily understood to be corporate bonds. The BMA document gives a completely wrong impression of the characteristics of the market (H4134, paragraph 2, 3rd column).

The close relationship that exists among some corporate bonds (but which falls well short of the ''fungibility'' claimed by the BMA document) is one of the reasons that transaction reporting can be valuable, since the price of one bond may be important information about the value of many others (H4135, carry-over paragraph, top 1st column).

The BMA document is correct that the Finance Subcommittee did hear testimony expressing the concerns of some market participants about possible liquidity effects of the immediate disclosure of price and volume information for some transactions. However, SEC

Chairman Levitt specifically testified at the Finance Subcommittee's March 18, 1999, hearing on this bill that he did not believe that transparency harmed liquidity.

''Mr. OXLEY. Do you support giving investors bond prices at real time? There's some argument that doing so may affect liquidity.'' ''Mr. LEVITT. I think that transparency is good for liquidity. I reject the notion that it is bad for liquidity. I think a market that is open, transparent, available to anyone who wants to access that market is a market that throughout the history of markets has attracted the greatest amount of interest. I believe that, while real time is a goal, it's certainly one that is realizable, and I am supportive of moving in that direction.'' (Serial No. 106–8 at 12).

However, the Commission has been sensitive to similar concerns in other contexts and can be relied on to reach an appropriate balance between liquidity concerns and the value of transparency. This was the conclusion of the Committee in its unanimous decision to give the SEC this responsibility. I believe it is echoed in the resounding 333–1 vote of the House in favor of passing H.R. 1400 (H4135, 1st paragraph, 1st column).

The BMA document's partial quotation, ''the Commission shall take into consideration . . . private sector systems for the collection and distribution of transaction information on corporate debt securities,'' omits the significant phrase ''among other things.'' I strongly support private sector initiatives and solutions, where appropriate and effective. I believe that the purpose of this phrase in H.R. 1400 is to give the Commission flexibility to assure the effectiveness of transaction reporting by looking at and to the entire landscape, both private and government. It is not a mandate that there be competition beyond that already required under section 11A of the Exchange Act which requires actions that ''foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders'' (H4135, 2nd paragraph, 1st column).

I. SUMMARY OF FINDINGS

Overall we believe the debt markets are functioning well. Of the market segments we reviewed, U.S. Treasury securities and other Federal Agency bonds are the most actively traded and are also the most transparent and efficient. We found no evidence in those markets that dealers have a substantial advantage compared to institutional clients in terms of market knowledge. Other market segments function effectively as well, though some are distinctly less transparent and efficient than the government securities markets. Specifically, we found that:

The markets for ''benchmark'' U.S. Treasury bonds are highly transparent. Bids, offers and trade prices from the interdealer market are widely available through interdealer broker (''IDB'') screens, GovPX, Bloomberg and other vendors.

Other Treasury and Federal Agency bonds, which trade in a relatively stable relationship to benchmark Treasuries, are ordinarily traded in terms of a basis point spread from the Treasury yield curve set by the benchmark bonds. Quotes in frequently traded securities are widely available, although the spreads are not as narrow as those for benchmark Treasuries. GovPX and others produce ''valuations'' on a real time basis for securities that do not have current dealer quotes. The combination of real time data for benchmark Treasuries and supplementary quotes and other information for the other securities appears to provide a very good level of pricing information for all government bonds.

Mortgage Backed Securities (''MBS'', and other structured products such as Collateralized Mortgage Obligations (''CMOs'') and Asset Backed Securities (''ABS'') are primarily high credit quality securities with complex structures. Values are largely determined by a) the Treasury yield curve, b) the structure of the particular instrument, and c) the relationship of similar instruments to the Treasury yield curve. The relationship to Treasuries is established by markets in generic forward contracts called TBAs (''to be announced'') for which current dealer quotes are available from IDBs, Bloomberg and other vendors. Relatively sophisticated analytical tools to value MBS, CMOs, and ABS are available from Bloomberg, Bridge and other vendors. Dealers and some institutional investors have in-house analytical models as well. At least two services make such tools available over the Internet. Overall, the quality of pricing information and interpretive tools available to the market is good.

High yield corporate bonds generally do not have a stable relationship to Treasuries. Therefore, the transparency of the Treasury market does not imply known values for high yield bonds. Interdealer trading is facilitated by IDBs, but prices are not shown on screens. Dealer indicated prices for selected securities generally are transmitted to customers each day by fax and/or e-mail. Overall, the quality of pricing information available in the market for high yield corporate bonds is relatively poor, although dealers do not appear to enjoy a great advantage over their institutional clients.

Investment grade corporate bonds fall between high yield corporates and government bonds both in credit quality and in terms of the quality of pricing information available. They are generally traded in terms of a spread from Treasuries but the relationship is less stable than for non-benchmark Treasuries and Federal Agency bonds. As with high yield corporates, interdealer trading is facilitated by IDBs but prices are not shown on IDB screens. ''Investment grade'' covers a spectrum of quality and the sensitivity of a bond's price to company or industry specific development tends to increase with lower credit quality. Similarly, the quality of pricing information available for investment grade bonds may be described as ranging from fairly good to fair.

Convertible bonds are not ordinarily traded in fixed income departments. Their close relationship to equity is demonstrated by the fact that both buy and sell side firms typically trade convertible securities (including convertible preferred) in their equity trading departments.

Municipal bonds also do not trade in a close relationship to Treasuries although Treasury prices are certainly very important. The municipal market has become somewhat more commoditized in recent years with more new issues carrying credit insurance. However, this market is highly fragmented—and is characterized by an extremely large number of issues and issuers with a relatively small trading volume, and is highly regionalized. This is a market in which there are few real prices in comparison to the number of different securities. As a result, many securities are difficult to value either for portfolio valuation or trading. All market participants are impacted, but unlike other market segments, retail investors represent an important part of the municipal market (roughly 30% of holdings). The nature of the municipal market is such that price discovery is necessarily difficult, but the MSRB's transparency efforts will improve the distribution of prices, and will also provide the tools that the NASD requires to assure that the municipal market is fair.

Dollar denominated foreign sovereign debt securities, particularly from emerging markets, also do not trade in a close relationship to Treasuries. There are approximately 10 major dealers in this market. Brady bonds, which were largely responsible for the development of this market, now account for less than half of its trading volume and are declining steadily in significance. Interdealer trading is facilitated by IDBs and real time quotes and transaction prices for many of these securities are provided by EDB screens to the dealer community, but are not generally available outside that group. End-of-day prices are readily available.

Electronic trading of bonds is rapidly becoming a reality, though its ultimate impact is far from clear. There are several single dealer systems in operation, most of them accessible through Bloomberg terminals, offering some form of electronic trading of Treasury securities. Some also offer Federal Agency securities and at least one offers municipal and mortgage backed securities as well. One multi-dealer system, Trade Web, is currently in operation with five sponsoring dealers. Bloomberg, which provides access to several single dealer systems, is preparing to offer a more integrated facility providing access to the quotes of all participating dealers on a single screen. Several other electronic bond trading systems are known to be under development. including at least one that will focus on high yield corporate bonds. A recent survey by the Bond Market Association. (''TBMA'') shows that there is a consensus in the industry that electronic execution in some form will be common within a few years.

## REMEMBERING RABBI SENDER DEUTSCH, A'H

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. NADLER. Mr. Speaker, I rise to honor the memory of Rabbi Sender Deutsch, a'h, who served, for the past four decades, as the editor and publisher of the influential Yiddish Language newspaper Der Yid, and as Vice President of the Satmar community. Reb Sender Deutsch, as he was affectionately known, was a survivor of the Holocaust and was the right hand of the previous Grand Rebbe of Satmar, Rabbi Joel Teitelbaum, z'tl, and the present Grand Rebbe, Rabbi Moses Teitelbaum, Shlita.

Reb Sender, who was 76, and who passed away on September 2, 1998, was laid to rest in the community of Kiryas Yoel, in Monroe, N.Y. He is survived by his wife, three sons, three daughters, grandchildren and great grandchildren. He will be remembered as a compassionate man, a great scholar, and an orator of exceptional skill.

As the Editor of Der Yid, Reb Sender was often considered the voice of the Satmar community, and an influential voice in the Chassidic community at large. He was the main speaker at almost all functions organized by the Satmar community worldwide, and on many occasions he traveled the world as an emissary of the Grand Rebbe and the community. He was the author of a three volume history in Yiddish of the Second World War and

the tragic fate of world Jewry during that period. He also served as the vice president of the Satmar Jewish school system, United Talmudical Academy and Beth Rachel School with an enrollment of over 18,000 students, the largest Jewish school system in the United States and worldwide.

Mr. Speaker, my neighbors in Brooklyn join with the many thousands of people around the world whose lives were touched and benefitted by the life and work of Reb Sender Deutsch, in honoring his memory and his life of extraordinary accomplishment and dedication to learning. It is an example which I believe all Americans will find inspiring and beneficial.

## FREEDOM TO CHOOSE A UNION

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SCHAFFER. Mr. Speaker, in America, no citizen should be forced to join an organization and pay dues against their will. Amazingly, Federal law actually grants private labor unions the authority to speak and act on behalf of otherwise free Americans with respect to their jobs, their wages, the terms of their employment and their choices at the ballot box. The law also empowers unions to make political decisions and even cash political contributions to various political causes regardless of whether the worker consents.

The Colorado General Assembly has urged this Congress to repeal these unfair federal laws. A resolution sponsored by State Representative Mark Paschell, and State Senator Jim Congrove has passed both Houses of the State Legislature and as such constitutes my State's official policy on this important matter.

Mr. Speaker, I commend Representative Paschell, and Senator Congrove for their bold leadership and urge my colleagues to follow the suggestions contained in Colorado's House Joint Resolution 99–1032 which I hereby submit for the RECORD.

HOUSE JOINT RESOLUTION 99–1032

Whereas, The ''National Labor Relations Act'', 29 U.S.C. sec. 159(a), grants certified labor organizations the authority to represent and contractually bind all employees in a bargaining unit, including those employees who prefer not to join, financially support, or be represented by a labor organization; and

Whereas, Some union officials consider this federally granted ''exclusive representation'' an unfair arrangement under state legislation that bans the mandatory collection of a service or other such fee from nonunion employees; and

Whereas, The General Assembly of the state of Colorado agrees that bargaining agreements negotiated by a labor organization should cover or bind only those employees who join or financially support such labor organizations; and

Whereas, The General Assembly believes that employees who choose not to join or financially support a labor organization should not be bound by the provisions of such labor organization's collective bargaining agreement, nor should they be required to accept such labor organization as their bargaining representative; now, therefore, be it

*Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein*:

That the General Assembly of the state of Colorado strongly urges the Congress of the United States to repeal all provisions of federal law that allow or require a labor organization to represent employees who choose not to join or financially support such labor organization. Be it

*Further Resolved*, That copies of this resolution be sent to the Speaker of the House of Representatives, J. DENNIS HASTERT, Senate Majority Leader, TRENT LOTT, House Minority Leader, RICHARD GEPHARDT, Senate Minority Leader, THOMAS DASCHLE, and each member of the Colorado congressional delegation.

## TRIBUTE TO RETIRING FOOTBALL COACH GIL RECTOR

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SKELTON. Mr. Speaker, it has come to my attention that after 31 years, five Missouri state championships, 10 Missouri River Valley Conference Championships, and 13 district titles, Gil Rector of Lexington, Missouri, is retiring as Lexington High School's Head Football Coach.

Coach Rector came to Lexington in 1965 as a student teacher. Upon graduation, he moved to Carrollton where he worked as an assistant coach until 1968. He returned to Lexington as head football coach during the 1968–69 school year, upon the retirement of William ''Bill'' Hamann. Over the years, Coach Rector has coached many young men on the fundamentals of football and how to become champions. One of the many highlights of his career was in 1980 when the Lexington Minutemen won the State Championship. Lexington High School had been denied a shot at the state title the previous year, despite an undefeated season, because of a point system which kept the team for qualifying for the State Championship. In 1980, the team continued its winning streak, going on to win a co-championship with John Burroughs High School of St. Louis, Missouri.

Coach Rector knows exactly what it takes to have a competitive program. His statistics include a 25 game winning streak from 1975–81. This accomplishment is the longest streak in the history of Lexington Football, and is still untouched by any other team in the Missouri River Valley Conference.

Mr. Speaker, Coach Rector was a winner who will be sorely missed by all who knew him at Lexington High School. I know the Members of the House will join me in paying tribute to this fine Missourian.

## CONDEMNING THE NATIONAL ISLAMIC FRONT (NIF) GOVERNMENT

SPEECH OF

### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 1999*

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75 which condemns the National Islamic Front (NIF) Government for its genocidal war in Southern Sudan, their support of terrorism and for its gross human rights violations. I want to thank the Chairman, Mr. ROYCE, and ranking member, Mr. PAYNE, of the Africa subcommittee for bringing this resolution to the attention of Congress and to the world.

Over the past fifteen years some 1.9 million people are dead because of the barbaric and inhumane treatment of the people of Southern Sudan. 1.9 million people have suffered from starvation and famine, which the National Islamic Front Government has allowed millions of people to be sold into slavery.

We, as Americans, cannot afford to turn our backs on the people of Sudan in their time of need. We cannot turn our backs on the dark reality of slavery in the 21st century. We must continue to support the Operation Lifeline Sudan (OLS) efforts in providing humanitarian relief and most importantly food to the people of southern Sudan. We must show that we are very much concerned about our brothers and sisters in Sudan as we are of our brothers and sisters in Kosovo. We must continue to do what is the morally and just thing to do. For genocide is genocide no matter where it happens. I urge my colleagues to show their compassion and support to the people of Sudan and vote ''yes'' on this resolution.

## IN SPECIAL RECOGNITION OF REVEREND DR. CLARENCE KEATON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. TOWNS. Mr. Speaker, I rise today to recognize Reverend Dr. Clarence Keaton because of his dedication to spreading the gospel. The creation of a man of God involves a divine process. God prepares a man from birth for the work of the gospel and equips him with the necessary tools to perform the task. Once a man receives the proper preparation, God identifies that man's spiritual calling. In 1975, God called Reverend Dr. Keaton and anointed him to teach the gospel. In following the direction of God, this man became the pastor and founder of the True Worship Church Worldwide Ministries. True Worship opened on November 24, 1985 with only a few members.

In laboring to win souls, this man of God envisioned developing a ministry in an area that other individuals avoid because they fail to recognize the magnificence of God. In spite of those that doubted the power of the gospel, Reverend Dr. Keaton persevered in his efforts to reach out to young people. Today there are 1000 members of True Worship. The diligence, sincerity, and compassion of this man helped many youth develop a closer relationship with Christ. Over a period of fourteen years, the Reverend Dr. Keaton established a ministry that is the pillar for many communities.

The work of Reverend Dr. Keaton includes a staff of 21 ministers and evangelists who focus on using spiritual strength and knowledge to address social problems that plague our communities. These ministries include: a social service department, a computer training program, a beautiful children's ministry, a successful youth department, an 86 voice youth choir, a training course in sign language, a

broadcast committee, an audio/video ministry, and a tape ministry.

We pray that God will continue to bless the growth of this ministry. Our communities need individuals like Reverend Dr. Keaton.

## A TRIBUTE TO GEORGE D. HOLLIDAY

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. CRANE. Mr. Speaker, today I want to honor the accomplishments of George D. Holliday, a Specialist in International Trade and Finance at the Congressional Research Service. Dr. Holliday is retiring after 27 years at CRS and is beginning a new position at the Organization for Economic Cooperation and Development in Paris in July. Over the years, the Congress, and especially the Subcommittee on Trade of the Committee on Ways and Means, has benefited from Dr. Holliday's expertise, in-depth analyses, and timely response on a wide range of trade issues. For example, a few years ago, he assisted the Subcommittee in preparing for the WTO's Singapore Ministerial. More recently, Dr. Holliday provided invaluable assistance to the Subcommittee in preparation for a hearing on the important issue of China's accession to the WTO.

Dr. Holliday earned both a B.A. and Ph.D. from George Washington University, where his major fields of study were international economics, international affairs, and Soviet economics. In addition, he is fluent in Russian (as a linguist in the U.S. Army, he performed intelligence work in Frankfurt, Germany in the early 1960s), and reads and speaks French and German.

He began his career at CRS in 1972 as a research assistant, contributing to studies on East-West trade and the economies of the Soviet Union, Eastern Europe, and China. As a specialist in international trade and finance from 1975 to the present, Dr. Holliday coordinated and authored more than 50 CRS reports and issue briefs on a variety of trade issues, all of which reflect his strong analytical and writing skills. Early in his career, his reports focused on the U.S. Export-Import Bank and export promotion, technology transfer, and East-West trade. Recent reports covered topics such as regional and multilateral trade agreements, reauthorization of fast-track authority, and the Generalized System of Preferences. Dr. Holliday was called upon many times by Members of Congress and their staffs for briefings on these issues.

Dr. Holliday also served as head of the International Section of the Economics Division of CRS from 1979 to 1983 and again from 1989 to 1995. In this capacity, he helped to shape CRS's work on trade policy for the Congress. Dr. Holliday's supervision, guidance, and review of research projects contributed to the high quality of reports authored by other CRS analysts.

His many outside professional activities advanced the understanding of international trade. His doctoral dissertation, Technology Transfer to the USSR, 1928–1937 and 1966–1975, was published in 1979 and remains a seminal work. He contributed to a number of Congressional publications on topics such as economic reform in Eastern Europe and the economies of the former Soviet Union and Eastern Europe. He wrote a study on East-West technology transfer, which was published by the OECD in 1984. His article, The Uruguay Round's Agreement on Safeguards, was published by the Journal of World Trade in 1995. Dr. Holliday coauthored a course guide entitled International Economies for a course sponsored by the University of Maryland in 1995–96. He participated in the U.S. Congressional Task Force for Interparliamentary Cooperation in Ukraine and Romania in 1995 and 1996. Dr. Holliday spent 1998 in Moscow, where he was a trade advisor to the Government of Russia.

I want to thank Dr. Holliday for his many contributions to the Congress and wish him well in his new position at the OECD.

## HONORING THE FOUNDATION FOR ETHNIC UNDERSTANDING FOR THEIR CONTRIBUTION TO ADVANCING CIVIL RIGHTS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. RANGEL. Mr. Speaker, I stand today to recognize the contributions of the Foundation for Ethnic Understanding under the leadership of Rabbi Marc Schneier. The Foundation has over the last ten years worked to highlight the need for strengthening relations between Blacks and Jews. In so doing the Foundation has reminded Americans of the pain endured by our nation during the Civil Rights Movement and the ultimate success of those efforts.

Yesterday, members of Congress and leaders from both the African-American and Jewish-American communities gathered in the halls of Congress to commemorate the thirty-fifth anniversary of the Freedom Rides, during which groups of young people traveled throughout the South to challenge the harsh environment of the region at that time. Three such young people, James Chaney, Michael Schwerner and Andrew Goodman, tragically lost their lives in carrying out their selfless sacrifice.

Even as we paid tribute to these late heroes of the movement, we joined the Foundation in honoring two members of Congress, my colleagues, Congressmen BOB FILNER and JOHN LEWIS. Both of these men deserve our greatest admiration for their roles in the Freedom Rides and the civil rights movement. Since that time their commitment to insuring that justice and liberty prevail within our nation has not wavered.

Earlier this week, this body bestowed its highest award upon Ms. Rosa Parks, for her role in igniting the Civil Rights Movement, by refusing to move to the back of the bus. Mr. Speaker, it is with this same spirit of justice that Rabbi Schneier, Congressman FILNER and LEWIS, and countless others, perhaps less dramatically, but with equal success, have challenged the system of segregation. That has now given way to a better America.

## ''GO FOR BROKE'' MONUMENT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MATSUI. Mr. Speaker, I honored to recognize the completion of the ''Go for Broke'' Monument today in Los Angeles, California. I ask all of my colleagues to join with me in commemorating this important unveiling.

The ''Go for Broke'' Monument is the first of its kind in the Mainland United States to honor the World War II heroics of Japanese American soldiers who fought bravely while their families were held in U.S. internment camps. It commemorates the 100th, 442nd, MIS, 522nd, 1399th, and 232nd battalions and serves as a permanent reminder that civil liberties belong to all Americans of all races and ethnic backgrounds.

Today, the ''Go for Broke'' Monument will be given to the City of Los Angeles by its builder, the 100th/442nd/MIS World War II Memorial Foundation. Nisei veterans, their children, and grandchildren from throughout the United States will gather to celebrate the ''Go for Broke'' Monument.

This is a special moment for all Americans, but especially those of Japanese descent, to pay tribute to the brave soldiers who defended democracy while their own families were being denied the most basic civil liberties back home. I applaud the foundation's mission to educate our nation about the selfless achievements of these brave Nisei veterans.

I am honored to join with Senator DANIEL INOUYE, Secretary of the Army Louis Caldera, and a host of other distinguished guests and veterans in marking this great occasion. The legacy of the Japanese American soldiers who fought in World War II, and the values that they represent, must never be forgotten.

In addition to building the monument, the non-profit 100th/442nd/MIS World War II Memorial Foundation, in partnership with the Japanese American Citizens League and the Japanese American National Museum, has secured grant funding to develop an important educational program on constitutional issues and civil rights. I salute these efforts to educate all Americans about our nation's bedrock principles.

Too few of our nation's young people are aware of the heroics of the 100th/442nd/MIS during World War II. This monument will attract students, foreign visitors, and many others to the story of the Japanese Americans who fought during World War II. All of my colleagues can share in my pride knowing that this chapter of our national history will not be told more often to more of our citizens.

Mr. Speaker, as the ''Go for Broke'' Monument is unveiled in Los Angeles, I am extremely honored to recognize all of the Nisei veterans present for their steadfast patriotism and commitment to our country. I ask all of my colleagues to join me in saluting them and commemorating the unveiling of this marvelous monument.

## THE VISIT OF THE PRESIDENT OF HUNGARY TO THE UNITED STATES—TOASTS AT THE STATE DINNER

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. LANTOS. Mr. Speaker, just a few days ago, the President of Hungary, His Excellency Arpad Goncz, paid an official visit to the United States.

President Goncz stands with Vaclav Havel, President of the Czech Republic, as one of the pivotal leaders of post-Communist Central Europe—a man of integrity, a man of character who has provided a moral anchor as Hungary has sought to find its way in establishing a democratic society and a free market economy.

Arpad Goncz graduated with a Doctor of Law degree in 1944. After the liberation of Hungary, he was active in non-Communist political groups. When the Communist Party came to power in Hungary, he was forced to earn his living as a welder and pipe fitter and later as an agricultural engineer. He supported the Hungarian Revolution of 1956, and in 1957 he was tried and sentenced to life imprisonment for his efforts in the attempt to overthrow the communist regime. His time in prison was well-spent, because that is where he learned English.

After serving 6 years in prison, Arpad Goncz was released under terms of a general amnesty. He then began a career as a literary translator and free-lance writer. He translated the works of more than a hundred writers, mostly American and English authors including James Baldwin, E.L. Doctorow, William Faulkner, William Golding, Ernest Hemingway, William Styron, Susan Sontag, John Updike, Edith Wharton, President Goncz is also a playwright and novelist in his own right.

When Hungary moved from a communist to a democratic government, Arpad Goncz was elected a member of the democratically elected parliament in the spring of 1990. He was chosen Speaker of Parliament on May 2, 1990, and in this position served as Interim President of the Repubic of Hungary. On August 3, 1993, Arpad Goncz was elected President of the Republic of Hungary, and on June 19, 1995, he was reelected to a five-year term as President.

Mr. Speaker, as a moral influence and a voice of integrity, President Arpad Goncz has been a pivotal figure in the democratic transformation of Hungary. It is most appropriate that he was highly honored during his recent visit to the United States.

Mr. Speaker, I submit the speech at the State Dinner honoring President Goncz by President Clinton and the response of President Goncz to be placed in the RECORD.

TOAST OF PRESIDENT CLINTON

The President of the United States: Ladies and gentlemen, welcome to the White House. And a special welcome to President and Mrs. Goncz and members of the Hungarian delegation.

Exactly 150 years ago, in 1849, a young congressman from Illinois, serving his first and only term in the U.S. House of Representatives, offered a resolution supporting the Hungarian people's struggle for independence and democracy. At that time, the leader of the Hungarian freedom movement, of course, was Lajos Kossuth. The congressman was Abraham Lincoln. The bonds between our citizens, based not only on the large number of distinguished Hungarian Americans in our country, but also on our shared aspirations for freedom and democracy, have very deep roots.

I would like to say a special word of thanks to Congressman Tom and Annette Lantos, and others who have helped them, because they are responsible for the fact that a bust of Kossuth now stands in the Rotunda of our Capitol.

Ralph Waldo Emerson called him ''the angel of freedom.'' He was only the second non-American—Lafayette being the first—to address both Houses of Congress. Crowds greeted him wherever he went. He was a true American hero.

Mr. President, like Kossuth, you taught yourself English while you were in prison—at a time when you had just escaped a death sentence and faced a life term, because you stood for liberty. Later, you translated the works of many great writers: Edith Wharton, Thomas Wolfe, William Faulkner, Ernest Hemingway, Arthur Miller, James Baldwin, John Updike, Alice Walker. And at least two I think are here tonight—William Styron and Susan Sontag. These translations offered Hungarians a window on the West and earned you many admirers at home. This work is just one part, but it is a vital part, of your contribution to ending the division of Europe.

I even noted in preparing for this evening that you translated into Hungarian President Bush's 1988 campaign biography, ''Looking Forward.'' Now by the time Al Gore and I published our book, ''Putting People First,'' in 1992, you were already President of Hungary and, unfortunately, too busy to translate this profoundly important work. At least I choose to believe that is the reason you did not choose to translate it.

In this decade your own works have been translated and published in English, your plays performed in the United States. They are a brave set of explorations of political conflict and war, freedom and betrayal, the struggle for daily survival and dignity in the face of adversity. Americans have absorbed these works as we have watched you lead your nation, deepening freedom there, and promoting human rights and ethnic tolerance around the world, and especially in your own region.

The only Hungarian head of state to make an official visit to Romania in this century, you told the joint session of Parliament there that ethnic minorities enrich their nations and ''form a valuable connective link in strengthening relations'' between nations.

Your vision of people living together and nations living together, resolving differences peacefully, drawing strength from their diversity, treating all people with equal dignity—this will form the basis of a better future for Europe and the world. It is at the heart of what we have been trying to do in our efforts to reverse ethnic cleansing in Kosovo, and to build a Southeastern Europe in which all people can live together in dignity and freedom.

Now, Mr. President, normally when I propose a toast to a visiting head of state, I say something like, ''cheers.'' I have been advised by the State Department that the Hungarian word for ''cheers'' is—and I want to quote from the memo I got—''practically impossible to pronounce correctly.'' I have accepted their considered judgment. So, instead, I would like to salute you and Mrs. Goncz with the words that greeted Kossuth on streamers all across New York City on the day he arrived in America—Isten Hozta. ''Welcome.''

I ask all of you to join me in a toast to President and Mrs. Goncz, and to the people of Hungary. Thank you very much.

TOAST OF PRESIDENT GONCZ

The President of Hungary: Mr. President, Mrs. Clinton, dear friends. Back home in my own country I have the privilege of speaking in my own native language. It would be becoming to speak English here, but there is one thing I learned when I was a writer—that lesson I learned, that if you cannot express yourself in an adequate way in that language, then you'd rather not deliver speeches in that language.

I do apologize for not speaking English, because eventually I might end up as Kossuth did when he was here. As it was mentioned, he learned English also in prison, as I did. And he had excellent rhetoric abilities. And after one of the enlightening speeches he made here in America, two listeners started to whisper between each other, ''I never thought that English was so close to Hungarian.''

Now, this time, I would like to spare you that experience. My friend speaks better English than I do.

Mr. President mentioned something about my past as a translator. I learned English in the prison through the works of Kennedy. First, I translated the speeches of Kennedy. This was something like lawful—translated for the higher authorities in the party. It was strictly confidential. I am terribly sorry that President Kennedy never had the chance to see himself how authentic the Hungarian translation was.

But I'd like to come back on the events of today. Officially, I was in the White House in an official capacity in April 1993. At that time I met the President, and there were some other heads of state also here. And then when I looked around, I had the wind of youthfulness, optimism, and an air of determination. Today, I experienced the same: a determined leadership that decides the fate of the world; responsibility and profound humanity.

We have had long discussions today. It is a God-given gift that my visit that had been prepared for months was realized today—all of these days going to be decisive. This is a crucial day when the Kosovo crisis is raising its beak and it's going to come to completion.

We have had a long discussion with Mr. President, not only the two of us. But if I were to characterize the meeting, I would say that it was not negotiations, diplomatic negotiations, but thinking together. And this was the first time I really felt, genuinely, that the two countries are allies, and a real alliance is characterized by identical values and also that you approach the problems to be solved from the same angle.

Even during the air campaign we tried to find the man, a human being in that. And we fully agreed that the peace of Europe is unthinkable without the peace in the Balkans. And without the understanding and the cooperation of the people in the Balkans, it is inconceivable to have peace in that region.

The discussions we have had today will have a very significant imprint not only because of the political implications, but also because I made a great acquaintance of a genuine, real man.

During my presidency we have met about four or five times, but we never had a chance before to think together about the course of the world. We did that today. And we also found that it is the human being that is the common denominator: the man in Kosovo, the Serbian man; let me tell you, also the Hungarian man, who has got responsibility for the Serbs, as well, after having lived together with them for hundreds and hundreds of years.

And if one day the Democratic leadership in Serbia is created, we Hungarians are ready to share our experience in building democracy with the Serbian people, with the Serbian leadership. And we are prepared to do what we have done with other neighboring countries already. We are going to tell them not only what we have done correctly and well, what we are going to tell them where we made a mistake, where we made an error, because it's a matter of course that sometimes one makes mistakes. But if through good advice you can avoid at least one mistake, then it was worth it.

We are prepared to extend a helping hand to a democratic Serbian government, to the Serbian people, because we know what bombing means from our own experience. We know what has to be restored—bridges, oil refineries, infrastructure, but primarily and foremost, the belief of the people in the future—the faith in humanity, belief in the willingness of the people to help each other.

And if we manage to help all the wounds that were acquired during the war since 1992, and we manage to resolve all the hatred, which may take even two generations, then we have to give them help and assistance to make the first first.

It was a gratifying and a good feeling to me to have understanding between the two sides. Because you can feed in information about the amount of bombs you want to drop; you can feed in costs; but there is one thing you cannot feed in, in a computer—the past of a nation, the mentality of the people, the moral feelings, eventual solidarity or hostility. I can see that the American leadership is ready to consider that, as well, after the success of the air campaign and, perhaps, even more so, afterwards.

The serious negotiations we have had here in Washington, D.C., I will take that home with me as one of the greatest experiences in my life. First, because I was really convinced that it is possible for a big country and a small country to become real allies on the basis of equality. And I do hope, Mr. President, you're not going to misunderstand me if I say, I am taking with me the experience of a new friendship, as well, with me.

Perhaps I cannot say anymore than that. If you want, I can tell you all the political slogans that you know by heart here, but I suppose these few things are a lot more worthy. For the Hungarians, for the Serbs, for the Kosovars, for the whole of Central Europe, I do hope, out of the bottom of my heart, that all the generals of NATO—and perhaps it will all help us to understand the events and developments of our days.

Once again, I apologize for speaking in Hungarian, but I suppose it was better to tell that in Hungarian than mumbling it in English. Thank you for listening to me.

## HONORING THE SPECIAL GRADUATES OF THE JOHN D. WELLS JUNIOR HIGH SCHOOL

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following Academic Achievement Award Recipients: Lizandro Gonzalez and Aris Rodriguez.

## WOMEN IN CONSERVATIVE POLITICS

### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mrs. KELLY. Mrs. Speaker, I insert the attached speech for the RECORD. This speech was given by Fanny Palli-Petralia, a member of Greece's Parliament at a conference that was held in Washington, D.C., in March of this year, hosted by the International Women's Democratic Union. I found it to be quite insightful and would recommend it to my colleagues.

[At the Conference of IWDU, Washington, Mar. 3–5, 1999]

ADDRESS BY THE HONORABLE FANNY PALLI–PETRALIA

First, I would like to express my deep appreciation to the organizers of the conference for the invitation to participate and address this gathering. I consider it a privilege and a unique opportunity to share with leaders from all over the world my perspectives on the role of women contemporary politics and the problems they face in Europe and especially my own country. I am referring of course, to women belonging to the conservative, or as I prefer to state, Center and Center-Right ideological spectrum.

However, before I discuss specific problems I believe it is necessary for us to define or redefine certain concepts and to reflect on the following question: what defines conservative politics in our time. I believe a new definition of conservatism is essential, given the fact that the central criterion used to distinguish between Right and Left ideology i.e.—i.e. economic philosophy—is no longer valid. As we all know, belief in a free market economy, espoused by conservative thinkers has been coopted with unrestrained enthusiasm by old and new liberals. Whether we are talking about Great Britain, Germany or the United States, we see Social Democrats, Liberals and their American equivalent, the Democratic Party, endorsing and applying Milton Freedman's doctrine of free markets with the zeal usually displayed by late converts to a cause. No wonder that we now see big business, traditionally viewed as allies of conservative parties, moving to the socialist corner of the political arena. I have only one explanation for this phenomenon: either big business cannot see the difference between the two philosophies, which I doubt, or the dividing lines between ideological camps have been blurred beyond recognition. In either case, now that our economic philosophy has caused global mass conversion among the liberal ranks, there is a need to differentiate our agenda by other criteria.

Now that liberal and the left-wing politicians have embraced free market over socialist planning, we have to ask what is next in our philosophical agenda in an era that often seems as being in a-moral drift? The answer, in my opinion, is obvious: though the economic philosophy of conservatism has triumphed, a cultural war is under way globally and whether we want it or not, we must be concerned and respond. Far too many of the core values that served as the glue to keep society in harmony have been trashed and a climate of moral relativism permeates the industrial world. We are witnesses to a troubling trend since the collapsed of the Communist bloc: traditions, family, history, religion, culture are under assault by ''feel good crowd.'' These are the values that have and ought to distinguish the Center-Right political parties: we cherish them while the Liberal left makes them optional.

The question is what is the role of women in the field of culture? At the risk of sounding immodest, let me state at the outset that women have always been in the forefront of cultural battles and helped shape the core values of free societies. More precisely, women have been persistent defenders of human rights and effectively linked rights, values, economics and politics and in the process, redefined the latter for the better. However it is also true that, by and large, the contributions of women in the political life of nations and the affirmation of social and political values have been achieved through men. The old cliche ''next to a great man stands a greater woman,'' still rings true. But our concern today is not what Aspasia or Theodora, Eleanor Roosevelt, or Hillary Clinton have done behind the scenes. The question is what happens in the public domain—and here is where a convergence of view emerges among women of all political percussions.

II

It is obvious that inequalities between men and women persist and opportunities for women are limited by artificial barriers in all societies, including the United States where the struggle for equality started, at end of the 19th century.

As conservative women and political leaders in our own right, we can not ignore gender disparities in public life; neither can we ignore the fact that traditions and values, prevalent for generations, do play a role in defining our place in contemporary society. Because women have played a central role in defining core values, they must now assume a similar role in defining a political system that assures the promotion of the most central of all values—equality without qualifications.

I am cognizant of the fact that social trends take time to be set in motion and even more time to be reversed. We cannot ignore the role of history and special conditions that have played a role in determining a woman's place in society. In Southern Europe, for example, cultural factors, religion and social attitudes made change a slow and arduous process when compared to northern European societies. For example, the right to vote in my country, Greece, was granted to women in 1952 and full equality in all walks of life was constitutionally guaranteed in 1974.

III

The equal rights movement in Europe, in which women from all political persuasions participated, was fought not only to secure basic political and individual rights but also

equal opportunities in education, the work place, equal compensation for comparable work and, above all, equal participation in decision-making structures. No doubt after many false starts and strenuous efforts, progress has been made, albeit slowly, in all fields. The latest achievement that I can briefly mention is the incorporation of an equality clause of the Amsterdam Treaty entered upon by members of the European Union and which, I am proud to say, was ratified only days ago by the Greek parliament. This Treaty makes equality of genders in the European Union a legal, social and political reality. As the Treaty States (article 2) states, ''equality between women and men is now part of the mission of the European Union.'' Yet, in spite of all progress, we are far from the final goal of complete equality between men and women. As far as laws, rules and regulations are concerned, we are fully equal! In practice, matters are quite different. It is hardly a ''militant stance'' to note that:

In almost every country the working woman continues to maintain two careers, home and the work place without compensation and often without moral recognition.

Women' unemployment, at least in Europe, is double that of men and concerns younger, female university graduates.

The presence of women in Cabinet level positions is poor and symbolic rather than substantive.

These facts suggest that equality between the sexes remains an elusive goal. And I do not believe this goal will be reached unless all human beings are given the opportunity to make their contributions through full participation at all levels of government and wherever economic, political and social issues are decided.

Conservative women know where inequality exists and have the solutions to the problem. It is to be found in the gross under representation of women in all public institutions. Thus, while the women make up 51% of the global population, the world average of women in parliaments, for example, is 12.3%. In the European Parliament itself, out of a total of 626 members only 173, or 27.6% are women, while the average the national assemblies of member states of the EU is only 21.4%. The gap between countries is even greater. Under representation is higher in the southern countries, while the northern ones have made remarkable strides in the past three decades. In Sweden, for example, women make up 40.4% of the Parliament, in Denmark 30.3% and in Germany 25.7%. The picture changes dramatically as we look south. Greece, with an electorate of 52% women has only 6% women members in the current parliament.

The situation is similar for participation in high government positions: Sweden, again has a cabinet divided equally among men and women: 39% of cabinet posts in Finland and 35% in Denmark are held by women. In Greece, in a fifty member cabinet, only three posts are occupied by women.

These figures show that there is a deficit in the democratic game of politics and a surplus of explanations of its causes.

Some have argued that culture has been the culprit that discourages women from pursuing public office. There is some truth to this and similar arguments as well as to the argument that the system itself has something to do with it. It is a system built by men and its rules and regulations reflect its origins. As designed, the political system is more like a ''hunting adventure'' rather than a family game. Power, not sensibility or efficiency seem to be its main characteristic. Of course, all women that take part in the existing political game, must learn the man-made rules and how to use them to their advantage. In short, they must learn to ''hunt'' or risk becoming spectators of someone else's game. We have come too far and have too much at stake to accept such a fate.

Finally, let me conclude with some tentative answers to the question what can be done? Well, as I stated at the beginning there is a general need to redefine the identity, the goals and methods of Center and Center-Right political parties. And there is a greater need to reassess women's roles in the cultural field so as to become full participants in the ongoing debate about values. I believe ultimately it will be the outcome of what some people call the ''cultural wars'' that will shape global political and by extension, economic agendas. Though I am not a proponent of a ''women'' made political system I, nevertheless, believe that women can restructure, sensitize and adapt the existing one with a view of making it fully democratic. This can be achieved, with emphasis on full participation in all level of government and full use of women's imagination, sensitivity, efficiency and intellect to improve the human condition.

Unless women work for the day when they can place their own seal on the political system, the Margaret Thatchers and Madeleine Albrights, will be looked upon as an alibi for the maintenance of the status quo.

## TRIBUTE TO CHARLES ABBOTT

### HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. KUYKENDALL. Mr. Speaker, my district recently lost one of its most committed residents, Charles H. Abbott, Jr. I rise today to honor his memory and to acknowledge the legacy that he leaves behind for Rancho Palos Verdes.

When I received the news about Charley's untimely passing, my immediate reaction was one of pure disbelief. Charley had been my friend for 15 years. As I entered the political arena, Charley became a trusted advisor; I sought out his judgment and wisdom because he knew, better than most, the problems and issues facing the community. Importantly, he had suggestions to improve all of our lives. His unexpected death hits close to home because he was one of the most active, vital people I knew. His death causes me to reflect on my own mortality.

I attach a memorial that appeared in one of the local papers about Charley. it eloquently summarizes Charley's life and contributions. Charley's legacy lives on through the dedicated service to the public demonstrated by his family, his sons in particular. He touched the lives of many children in the community, through his years of athletic coaching, leaving a little piece of himself with each one of his athletes. Charley had an active charity agenda, and like his athletes, each charity on which he served is a better, stronger organization for his dedicated service. As a civil engineer, Charley certainly left his enduring presence on the city of Rancho Palos Verdes where he served in numerous professional capacities.

I celebrate my friend Charley and will miss him. I offer my support and deepest sympathies to his family. To each and every one of my constituents, I challenge them to follow Charley's practice of caring enough about the community to get involved.

REMEMBERING CHARLEY

By Mary Jane Schoenheider

I, like many of you, have lost a good friend. Charles Abbott, known to all of us as Charley, was called to his Maker on Monday evening, April 26 while he was working out on his treadmill before retiring for the night. He had spent a good part of that day doing what he most enjoyed; playing golf. This day, like many before was for charity. This just happened to be the Rolling Hills Covenant Church Golf Tournament, but it could have been one of many he participated in throughout the years.

Charley loved his work as a civil engineer, he loved his family, he loved his community and he loved life. He gave back over and over again to countless causes with both his time and talents. Everyone always knew you could count on Charlie, be it as a coach for his two sons' baseball and soccer teams in their early years on the Peninsula, or for the past two years participating in his Rotary Club's service project as a volunteer tutor for the kids in Harbor Hills 4H after school program. His energy and involvement seemed to be endless.

My closest association with Charley and his wife Sue came in the past three years as we shared the experience as host parents for Rotary Exchange students.

With both of their boys away at college, Charley and Sue became Dad and Mom to three young women, Malina from Denmark, and Malen and Linda both from Sweden. All three of theses girls touched Charley's heart and became his ''adopted'' daughters for life.

The Thursday evening prior to his passing, Charley presided as President at the Community Association of the Peninsula (CAP) Annual Meeting. Many of us were there listening to the light West Virginia drawl, and wit that was uniquely Charley's.

It is never fair when someone like Charley is taken in the prime of his life at 58. He and Sue were looking forward to a trip to Denmark and Sweden, his son Charlie's wedding this summer and to retirement in a couple of years to the home they recently built at La Quinta. We who are left to carry on will do so in memory of a man who gave so much of himself to his community, and loved doing it. You're a Good Man, Charley Abbott.

Funeral services were held at Peninsula Baptist Church on April 30 with interment at Green Hills Memorial Park. Charley is survived by his wife Susan, a teacher at Peninsula High School, his two sons, Charlie and Mark, his father Charles Abbott Sr. and two brothers. Donations in memory of Charley may be made to Harbor Hills 4H Community Center c/o Palos Verdes Peninsula Rotary Club, P.O. Box 296, Palos Verdes Estates, CA 90274 or to Hospice Foundation, 2601 Airport Drive, Suite 110B, Torrance, CA 90505.

## INDIA IS USING CHEMICAL WEAPONS IN KASHMIR; U.S. SHOULD STOP ITS PRO-INDIA TILT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. TOWNS. Mr. Speaker, I was disturbed to find out that India has been using chemical weapons in its war against the freedom fighters of Kashmir. Reuters, CNN, the BBC, the Associated Press, and others have all reported that India fired chemical weapons

shells into Pakistan. Remember that India's nuclear tests last year started the nuclear arms race in South Asia, which is very destabilizing to our ally Pakistan, to India, the subcontinent, and the world.

In recent days, there have been news reports of a mass exodus from border villages in Punjab, the homeland of the Sikhs. According to at least one report, 70 percent of the population of these villages has fled. These Sikhs are apparently afraid that India's war on the freedom fighters will spread to Punjab. There are good reasons to believe this. India sent a new deployment of troops to Punjab, Khalistan. These troops are on top of the half-million troops who were already stationed in Punjab to suppress the Sikh freedom movement.

Mr. Speaker, this situation is entirely India's responsibility. India that started the conflict in Kargil to wipe out the freedom movement in Kashmir and scare the other freedom movements into submitting to Indian rule. India introduced nuclear weapons to South Asia last year and introduced chemical weapons into this conflict. These are weapons of mass destruction, Mr. Speaker. Indian has brought these weapons of mass destruction to South Asia. Why do we still give aid from American tax dollars to India?

Recently an Indian colonel admitted that Indian soldiers are ''dying like dogs.'' India is losing this war in Kargil, while it loudly proclaims victory. As India's desperation increases, the situations gets more dangerous. It is feared that India will use its new deployment in Punjab, Khalistan to invade Pakistan in an attempt to cut off the Kashmiris' supply lines.

Mr. Speaker, we all salute the President for his attempt to keep the fighting from escalating, but there seems to be a pro-India tilt to our effort and to our policy in the region. Yet India denies self-determination and other basic human rights to the Kashmiris, the Sikhs of Khalistan, the Christians of Nagaland, and the other occupied nations of South Asia. When basic human rights are denied, we have an obligation to help people reclaim their rights. We should be working for peace, freedom, and self-determination. We should not be aligned with India, which remains one of the world's worst human-rights violators.

Let this Congress do whatever we can to support democracy, self-determination, peace, and stability in the subcontinent. We should impose sanctions on India, cut off American aid to India, and pass a resolution stating our support for a free and fair plebiscite under international supervision in Punjab, Khalistan, in Kashmir, in Nagaland, and everywhere else that the people seek their freedom. I am proud to have co-sponsored such a resolution in the last Congress. This is the right time to take these measures when they will have the greatest effect. Let us take these measures to support freedom.

Mr. Speaker, I would like to insert the Council of Khalistan's press release on India's chemical weapons use into the RECORD.

INDIA USING CHEMICAL WEAPONS IN ITS WAR AGAINST KASHMIRI FREEDOM FIGHTERS; NOW IS THE TIME TO FREE KHALISTAN

WASHINGTON, DC, June 14—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned India for using chemical weapons in its war against the Kashmiri freedom fighters at Kargil. Reuters, BBC, CNN, Associated Press, and other news sources have reported that India fired chemical weapons shells into Pakistan. The Pakistani Foreign Minister said that his country had found Indian chemical shells that were fired across the border.

Dr. Aulakh condemned ''this irresponsible and dangerous action. India is using these weapons despite being a signatory to the Chemical Weapons Convention,'' he noted. ''So far these weapons have only caused skin irritations, shortness of breath, and other minor health problems,'' he said, ''but the potential dangers are frightening.''

''Remember that India started this war to suppress the Kashmiri freedom movement,'' Dr. Aulakh said. He took note of an India Today report that the war is costing India 15 core (150 million) rupees each day. ''Apparently, no amount of blood or money is too great for the Indian government,'' he said.

''America took action against Iraq for using chemical weapons in its war against Kuwait,'' he pointed out. ''Why does America continue to support India with aid and trade?,'' he asked. ''The United Nations should impose strong sanctions on India for this brutal act,'' he added.

''The news that India is using chemical weapons is very disturbing, not only to the people of Kashmir but to the people of Punjab, Khalistan,'' he said. ''India, the country which started the nuclear arms race in South Asia, is now using weapons of mass destruction,'' he said. According to Kashmiri leaders, India also used chemical weapons against them in 1994.

''This terrorist act shows India's desperation to keep its artificial borders intact,'' Dr. Aulakh said. ''India is losing this war,'' he said. ''One Indian Army colonel admitted that Indian troops are 'dying like dogs.' I call on Sikh soldiers not to fire on Kashmiri freedom fighters,'' he said. ''I urge Sikh soldiers to join the Sikh freedom movement and liberate Khalistan.''

''I cannot help but think that these attacks are related to the massive evacuations of 37 villages along the border in Punjab,'' he said. ''It is not the Pakistanis the villagers are afraid of,'' he said, ''it is expansion of India's terrorist war into Punjab, Khalistan.''

''In war, people get killed, and that is unfortunate,'' Dr. Aulakh said. ''Countries that are moral and democratic do not deliberately kill civilians,'' he said. The Indian government has murdered over 250,000 Sikhs since 1984. India has also murdered over 200,000 Christians in Nagaland since 1947, more than 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Dalits (''black untouchables''), Tamils, and others.

''Freedom struggles don't go away,'' he said. ''Just as India cannot suppress Kashmir's freedom struggle with weapons of mass destruction, the freedom struggle in Khalistan will go on until Khalistan is free,'' he said. ''Now is the moment for the Sikh Nation to liberate Khalistan with the help of the Sikh soldiers. It is time to rebel. Khalsa Bagi Yan Badshah.''

## COMMENCEMENT ADDRESS OF GEORGE SOROS AT THE PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. LANTOS. Mr. Speaker, this is the season of commencement speeches. Many of them deserve the oblivion that most of them receive. There are a few, however, that are particularly worthy of note. One outstanding exception was the commencement address given by my friend George Soros at the Paul H. Nitze School of Advanced International Studies of Johns Hopkins University on May 27th of this year.

Mr. Soros has used this commencement address as an opportunity to give us his thoughtful and incisive reflections on the current conflict in Kosova and the broader significance of that conflict for the international system as the world enters the 21st century. It is ironic that the end of the Cold War has brought about a significant reduction in the threat of major confrontation involving the United States directly, but at the same time we have seen an increase in the violence of regional ethnic and religious conflicts, such as that in Kosova. George Soros has given considerable critical thought to the role of the United States in the post-Cold War era, and his thoughts are useful for all of us here in the Congress who must grapple with the question of the appropriate international role for the United States.

A successful international financier and investment advisor, George Soros is a major philanthropist with a focus on encouraging the development of the infrastructure and culture necessary for democratic societies. He established the Open Society Foundation which operates a number of foundations throughout Central and Eastern Europe, South Africa, and the United States. These foundations are helping to build the infrastructure and institutions of a free and open and democratic society through supporting a variety of educational, cultural and economic restructuring activities. A native of Budapest, Hungary, and a current citizen of the United States, Mr. Soros brings a personal insight to the problems of Southeastern Europe and the world.

Mr. Speaker, I submit George Soros' commencement address to be placed in the RECORD, and I invite my colleagues to give it thoughtful attention.

PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

COMMENCEMENT SPEECH DELIVERED BY GEORGE SOROS, MAY 27, 1999

A commencement speech is meant to be inspirational and I am not sure whether I can deliver such a speech because I am stunned and devastated by what is happening in Kosovo. I am deeply involved in that part of the world and what is happening there has raised in my mind a lot of questions to which, frankly speaking, I don't have the answers. I feel obliged to reconsider some of my own most cherished preconceptions.

I am a believer in what I call an open society which is basically a broader and more universal concept of democracy. Open society is based on the recognition that nobody has access to the ultimate truth; perfection is unattainable and therefore we must be satisfied with the next best thing; a society that holds itself open to improvement. An open society allows people with different views, identities and interests to live together in peace. An open society transcends boundaries; it allows intervention in the internal affairs of sovereign states because people living in an oppressive regime often cannot defend themselves against oppression without outside intervention but the intervention must be confined to supporting the people living in a country to attain their legitimate aspirations, not to impose a particular ideology or to subjugate one state to

the interests of another. These are the principles I have put into practice through my network of open society foundations.

Judging by these principles, I have no doubt that Milosevic infringed the rights of the Albanian population in Kosovo. Nor do I have any doubts that the situation required outside intervention. The case for intervention is clearer in Kosovo than in most other situations of ethnic conflict because Milosevic unilaterally deprived the inhabitants of Kosovo of the autonomy that they had already enjoyed. He also broke an international agreement into which he entered in October of last year. My doubts center on the ways in which international pressure can be successfully applied.

I am more aware than most people that actions have unintended consequences. Nevertheless I'm distressed by the consequences of our intervention. We have accomplished exactly the opposite of what we intended. We have accelerated the ethnic cleansing we sought to interdict. We have helped to consolidate in power the Milosevic regime and we have helped to create instability in the neighboring countries of Montenegro, Macedonia and Albania, not to mention the broader international implications such as our relationship with China.

It is obvious that something has gone woefully wrong and we find ourselves in an awful quandary. I am not going to discuss how we got there and how we can extricate ourselves. I want to discuss the principle of intervening in the internal affairs of a sovereign state in order to protect its people. Because that is what we are doing and it is not working. It is easy to find fault with the way we have gone about it, but the problem that preoccupies me goes deeper. In the case of Yugoslavia we have intervened in different ways. In Bosnia we tried it with the United Nations and it didn't work. That is why in Kosovo we tried it without the United Nations and that didn't work either. We also tried it by applying economic sanctions but that too had adverse consequences. The sanctions could be broken with the help of the ruling regimes by shady businessmen who in turn became an important source of support for the ruling regimes not only in Yugoslavia but also in the neighboring countries. In short, nothing worked. And we have a similar record in Africa.

The question I have to ask myself: is it possible, is it appropriate to intervene in the internal affairs of a state in the name of some general principle like human rights or open society? I did not want to consider such a question and I certainly don't want to accept no for an answer. It would be the end of the aspiration to an open society. In the absence of outside intervention oppressive regimes could perpetrate untold atrocities. Moreover, internal conflicts could easily broaden into international hostilities. In our increasingly interdependent world, there are certain kinds of behavior by sovereign states—aggression, terrorism, ethnic cleansing—that cannot be tolerated by the international community. At the same time we must recognize that the current approach does not work. We must find some better way. This will require a profound rethinking and reorganization of the way we conduct international relations.

As things are now, international relations involve relations between states. How a state treats its own citizens involves relations within the state. The two relations are largely independent of each other because the states enjoy sovereignty over their territory and their inhabitants. Sovereignty is an outdated concept but it prevails. It derives from the time when kings wielded power over their subjects but in the French Revolution when the people of France overthrew their king they assumed his sovereignty. That was the birth of the modern state. Since then, there has been a gradual recognition that states must also be subject to the rule of law but international law has been slow to develop and it does not have any teeth. We have the United Nations but the UN does not work well because it is an association of states and states are guided by their interests not by universal principles, and we have the Declaration of Universal Human Rights.

The principles which ought to govern the behavior of states towards their own citizens have been reasonably well-established. What is missing is an authority to enforce those principles—an authority that transcends the sovereign state. Since the sovereignty of the modern state is derived from the people, the authority that transcends the sovereign state must be derived from the people of the world. As long as we live in a world of sovereign states, the people need to exercise their authority through the states to which they belong, particularly where military action is concerned. Democratic states are supposed to carry out the will of the people. So in the ultimate analysis the development and enforcement of international law depends on the will of the people who live in democratic countries.

And that is where the problem lies. People who live in democratic countries do not necessarily believe in democracy as an universal principle. They tend to be guided by self-interest, not by universal principles. They may be willing to defend democracy in their own country because they consider it to be in their own self-interest but few people care sufficiently about democracy as an abstract idea to defend it in other countries, especially when the idea is so far removed from the reality. Yet people do have some concerns that go beyond self-interest. They are aroused by pictures of atrocities. How could these concerns be mobilized to prevent the atrocities? That is the question that preoccupies me.

I have attended a number of discussions about Kosovo and I was shocked to discover how vague and confused people, well-informed people, are about the reasons for our involvement. They speak of humanitarian reasons and human rights almost interchangeably. Yet the two are quite different. Human rights are political rights. When they re violated, it may lead to a humanitarian disaster, pictures on CNN that arouse people's emotions but by then it is too late. The damage is done and the intervention is often counterproductive. The humanitarian disaster could have been prevented only by protecting the political rights of the people. But to achieve this, people must take an interest in the principles of open society. Prevention cannot start early enough. To be successful it must be guided by a set of clear objectives. That is what the concept of open society can provide.

Suppose that the people subscribed to the principles of an open society; how could those principles be translated into effective institutions? It would require the cooperation of democratic states. We need an authority that transcends the sovereignty of states. We have such an authority in the form of the United Nations, but the UN is not guided by the principles of open society. It is an association of states, some of which are democratic, others not, each of which is guided by its national interests. We have an association of democratic states, NATO, which did intervene in defense of democratic values, but it is a military alliance incapable of preventive action. By the time it intervenes it is too late and we have seen that its intervention can be counterproductive. It needs to be complemented by a political alliance dedicated to the promotion of open society and capable of acting both within the UN and outside it.

Such an alliance would work more by providing rewards for good behavior than punishment for bad behavior. Belonging to the alliance or meeting its standards should be a rewarding experience. This would encourage voluntary compliance and defer any problems connected with the infringement of national sovereignty. The first degree of punishment would be exclusion; only if it fails need other measures be considered. The greatest rewards would be access to markets, access to finance, better treatment by the international financial institutions and, where appropriate, association with the European Union. There are a thousand little ways that diplomatic pressure can be applied; the important thing is to be clear about the objectives. I am sure that the abolition of Kosovo's autonomy in 1989 could have been reversed if the international community had been determined enough about it. In Latvia, international pressure had led to a reform of the naturalization law which could have caused conflict in Russia. In Croatia, the international community did not do enough to assure the existence of independent media. Nor is it sufficiently aroused by proposals in various Central Asian republics to introduce lifetime presidencies. We shall not be able to get rid of Milosevic by bombing but if, after the war, there is a grand plan for the reconstruction of South East Europe involving a customs union and virtual membership in the EU for those countries which are not ruled by an indicted war criminal, I am sure that the Serbs would soon get rid of Milosevic in order to qualify.

A political alliance dedicated to the promotion of open society might even be able to change the way the UN functions, especially if it had a much broader membership than NATO exactly because it can act either within or without the UN. NATO could still serve as its military arm.

Ironically, it is the US that stands in the way of such a political alliance. We are caught in a trap of our own making. We used to be one of the two superpowers and the leaders of the free world. We are now the sole remaining superpower and we would like to think of ourselves as the leaders of the free world. But that is where we fail, because we fail to observe one of the basic principles of the open society. Nobody has a monopoly of the truth, yet we act as if we did. We are willing to violate the sovereignty of other states in the name or universal principles but we are unwilling to accept any infringement of our town sovereignty. We are willing to drop bombs on others from high altitudes but we are reluctant to expose our own men to risk. We refuse to submit ourselves to any kind of international governance. We were one of seven countries which refused to subscribe to the International Criminal Court; the others were China, Iraq, Israel, Libya, Qatar, and Yemen. We do not even pay our dues to the United Nations. This kind of behavior does not lend much legitimacy to our claim to be the leaders of the free world.

To reclaim that role we must radically alter our attitude to international cooperation. We cannot and should not be the policemen of the world; but the world needs a policeman. Therefore we must cooperate with like minded countries and abide by the rules that we seek to impose on others. We cannot bomb the world into submission but we cannot withdraw into isolation either. If we cannot prevent atrocities like Kosovo we must also be willing to accept body bags. I hate to end on such a somber note, but that is where we are right now.

## FAREWELL AND BEST WISHES, CAPTAIN DOUGHERTY

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take a moment today to praise Captain Michael Dougherty, presently the commanding officer at the Naval Air Engineering Station in Lakehurst, New Jersey.

Sadly, we will be losing the fine leadership of Capt. Dougherty at Lakehurst on June 24th. As he moves on to his next assignment as head of the Foreign Military Sales Office at the Naval Aviation Systems Command at Patuxent River, I wish him the very best of success.

Five years ago, Capt. Dougherty came to Lakehurst as the Project Coordinator for Support Equipment. He quickly rose to Head of the Aircraft Division Logistics Group, and in May 1997 after serving as Executive Officer, he assumed his current duties as Commanding Officer of the Naval Air Engineering Station at Lakehurst.

In addition to his duties as Commanding Officer, Captain Dougherty is also a family man, and is married to the former Alice Scherer, who works as a school nurse for Independent Child Study Teams of Jersey City. He is the proud father of four children: Maureen, Jill, Claire, and Kevin. Maureen is a graduate of Ithaca College, and Jill is a Midshipman in the Naval Reserves, and a junior at Holy Cross. Claire and Kevin are both students at Monsignor Donovan High School in Toms River.

Captain Dougherty took command of the base in 1997, in the wake of the Pentagon's unsuccessful attempt to close the Lakehurst Naval facility during the 1995 Base Realignment and Closure Commission (BRAC) process. It fell to him to reassure Pentagon number crunchers, the BRAC commission and Congress that saving the base was indeed the best course for the Navy and American security interests. Captain Dougherty showed us the way.

Almost immediately, Capt. Dougherty organized the Community Partnership Program with State, County, and business leaders to broaden and deepen public/private awareness of Lakehurst's unique capabilities. Consequently, Captain Dougherty invited countless businesses and local governments to come visit the base to learn ways they can work more closely together on issues of common interest.

Lakehurst is a world-class facility with a priceless base of knowledge about engineering and advanced technologies relating to the successful operation of our aircraft carriers. Through his Community Partnering Program, Captain Dougherty has made available to the business community some of Lakehurst's technology, facilities, and personnel. For instance, under the program, if a business has a problem with a manufacturing process, they can come to Lakehurst for technical assistance in solving the problem. This has been a win/win situation for both the public and private sector. The local community now has increased access to advanced technological know-how and the base has expanded its solid reputation as a good neighbor. And in some instances the base has been able to reduce expenses as private contractors shared some of the operating costs. This is but a single example of Captain Dougherty's work to connect the local community to the base, and the base to the local community.

Captain Dougherty's partnering initiatives are epitomized by the success of the educational partnering agreement with Rowan University's School of Engineering. This agreement will give students at Rowan University invaluable hands-on experience on how to solve real world engineering problems. Through the interaction with Lakehurst's staff expertise, unique facilities, and equipment related to aircraft platform interface technology at Navy Lakehurst, the agreement will certainly strengthen the quality of engineering students at Rowan who participate in this program.

On the flip side, the Rowan-Lakehurst partnership helps Lakehurst to secure additional engineering talent from within the state to replace engineers at the base when they move on to other jobs or retire. The partnership also enables Lakehurst to tap into a huge network of expertise and knowledge at Rowan University, which will be vital if Lakehurst is to maintain its status in cutting-edge aircraft platform interace technology. This is yet another good neighbor, win-win situation adding to the list of successes Capt. Dougherty has brought to the base under his command.

These successful efforts have produced tangible results. The Lakehurst Naval Air Engineering Center is an important and integral part of the Ocean County economy and that of the surrounding region. Lakehurst is a $450 million dollar business, with about $10 million going directly to Ocean County. As the county's largest employer, the base provides jobs for 1,900 people. Captain Dougherty also has taken important steps to encourage the base to reexamine its purchases of many categories of goods and services, to see where it can expand its network of local contractors and service providers.

On issue after issue of importance to naval aviation, Captain Dougherty has demonstrated real leadership. He has been an advocate, as I have been, for the construction of a new, state-of-the-art Aircraft Platform Interface (API) laboratory at Navy Lakehurst. In fact, just last week my fellow members here in this chamber joined me in authorizing a new ''superlab'' for Lakehurst. The $15.7 million in funding authorization for the construction of a new API laboratory will solidify Lakehurst's status as ''the heart of naval aviation.'' But this giant leap for the base did not occur in a vacuum, I assure you. It happened because of the dedication and hard work of people interested in the base and the critical work performed there—people like Capt. Dougherty.

Mr. Speaker, throughout his command, Capt. Dougherty has had an impressive series of accomplishments for which he can be proud, in both his personal and professional life. It has been my privilege to work with him on the many initiatives that have put Lakehurst at the forefront of naval aviation, and will keep it there well into the twenty-first century. On behalf of the citizens of the fourth district who have benefited from the vital work he has performed while at Lakehurst, and on behalf of the country he has so diligently served, it is my pleasure to thank Capt. Dougherty for his fine leadership and wish him well in his future endeavors.

## TRIBUTE TO HAROLD P. MACHEN

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mr. Harold P. Machen of Sacramento, California. Mr. Machen passed away on June 11, 1999. He will be eulogized on June 19th and I ask all of my colleagues to join with me in remembering him as a great citizen and attorney.

Harold P. Machen was born in Chicago, Illinois on February 17, 1924. After completing high school, he attended Lincoln University in Jefferson City, Missouri. While in college, he worked as a dining car waiter for the New York Central Railroad.

His plans for law school were interrupted by the military draft. He served in the United States Coast Guard for three years. Upon leaving the Coast Guard, he studied at Los Angeles City College. He eventually earned his L.L.B. and Juris Doctorate from Southwestern Law School.

On July 22, 1953 Mr. Machen was admitted to the California State Bar. He would enjoy an excellent legal career spanning more than forty years. After practicing law in the impoverished area of Watts in Los Angeles County, Mr. Machen moved to Sacramento in 1969.

For the next several decades, Harold Machen established a first-rate reputation as an attorney and Counselor at Law, as well as a good friend to the Sacramento legal community. He was a special member of the Wiley Manuel Bar Association, of which he was a founding member in 1977.

As an accomplished attorney and community servant, Harold Machen rendered legal assistance and financial support to numerous organizations and social causes. Among these were the Volunteer Legal Services Programs, the Sacramento City Unified School District's 4th and 5th R Program, and the 100 Black Men Mentor Program.

Concisely, Mr. Machen demonstrated a long-standing commitment to serving the legal needs of citizens in the State of California and especially in the Sacramento region. On July 14, 1995 he was honored by the Wiley Manuel Bar Association of Sacramento County for his outstanding 40 year legal career, as well as his efforts to improve employment and living conditions for Sacramento's citizens through his service on the City's Human Rights Commission.

Mr. Speaker as Harold P. Machen is remembered in Sacramento, I ask all of my colleagues to join with me in saluting his outstanding record of quality legal representation, public service, and civic activism. His community contributions will certainly be remembered for many more years to come.

REMARKS BY EDWARD HERMAN (Item No. 11) PROFESSOR EMERITUS OF FINANCE, THE WHARTON SCHOOL

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. KUCINICH. Mr. Speaker, on June 10, 1999, I joined with Rep. CYNTHIA A. MCKINNEY, Rep. BARBARA LEE, and Rep. JOHN CONYERS in hosting the fifth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Edward Herman, Professor Emeritus of Finance, Wharton School, University of Pennsylvania. He taught for a decade in the Annenberg School of Communications at Pennsylvania State University, with a course in Analysis of Media Bias. He is a professional economist and media analyst. He is also a renowned author with some 20 blocks on economics, political economy, and the media. Among them are The Political Economy of Human Rights (2 vols, 1979, with Noam Chomsky) and Manufacturing Consent: The Political Economy of Mass Media (with Noam Chomsky, 1988).

Professor Herman exposes the manner in which the mainstream media has uncritically adopted a variety of ''loaded words'' that present a distorted and misleading impression of the reality of the War in Yugoslavia. One by one he dissects terms such as ''credibility'' and ''negotiations,'' and describes the cynical manipulation of phrases such as ''collateral damage'' and ''genocide and ethnic cleansing.'' He concludes that ''western hostility to genocide and ethnic cleansing has been highly selective,'' citing a number of severe humanitarian crises in which the United States and NATO chose to do nothing.

Following Professor Herman's remarks is an article authored by him, along with David Peterson, that appeared in Z Magazine. This article, entitled ''Bomb the New York Times?'', discusses the hypocrisy of the western media when it justifies the bombing of Serbian media installations because of the Serbs' lack of ''balance'' in their treatment of the war.

PRESENTATION BY PROFESSOR EDWARD HERMAN, THE WHARTON SCHOOL

Although this is a free society, the U.S. mainstream media often serve as virtual propaganda agents of the state, peddling viewpoints the state wishes to inculcate and marginalizing any alternative perspectives. This is especially true in times of war, when the wave of patriotic frenzy encouraged by the war-makers quickly engulfs the media. Under these conditions the media's capacity for dispassionate reporting and critical analysis is suspended, and they quickly become cheer-leaders and apologists for war.

This is reflected in their uncritical acceptance of loaded words that cry out for careful analysis, but which are used by the media instead to confuse and obfuscate issues. Let me illustrate with some key words in current usage that purr or snarl in service to propaganda.

Credibility: Credibility is a purr word, that oozes goodness. We all want to be credible and to have our country and NATO credible. But when Senator JOHN MCCAIN called for a ground war in Yugoslavia in order to preserve our own and NATO's credibility, common sense tells us that he ignored the danger of turning a mistake into a catastrophe. Isn't it a sign of moral weakness to be unable to admit a mistake? And isn't the failure to do so exceedingly stupid? Isn't the kind of credibility that comes from continuing a mistaken course obtained at the cost of a loss of credibility as a rational actor? The media have been extremely lax in failing to look behind this purr word to the real issues at stake. And they have thereby allowed it to serve as an instrument of war propaganda.

Humanitarian bombing: NATO allegedly began bombing in March for humanitarian purposes. Humanitarian is a purr word, but humanitarian bombing is an oxymoron, blending the warm-hearted with dealing death. As the NATO bombing exponentially increased the damage inflicted on the purported beneficiaries, as well as large numbers of innocent Serb civilians, it has been anti-humanitarian in fact at all levels. The CIA and NATO military officials like General Wesley Clark have admitted that the negative humanitarian effects were expected. These facts lead me to conclude that the phrase is a propaganda fraud covering over a hidden agenda, in which Kosovo Albanian welfare had little or no place. But the media have never considered the phrase an oxymoron or the policy a human rights fraud. With the end of the bombing, the media trumpet the official view that NATO won a ''victory,'' but they do not ask whether this triumph was in fulfillment of the alleged humanitarian aim—they have implicitly abandoned that purported objective in favor of victory over the Serbs.

Military targets: NATO has repeatedly claimed that it is avoiding civilian and sticking to military targets. However, it has steadily expanded the definition of military target into anything that directly or indirectly helps the Serb war effort, so that electric and water facilities that primarily serve civilians are included as military targets. This is in violation of international law and the army's own rules of warfare, and therefore amounts to the commission of war crimes (on which Christopher Simpson gives interesting details). NATO has been one step away from finding the direct bombing of civilians proper military targeting—after all, those civilians pay taxes that help fund Milosevic's war machine. The media have treated this process of redefinition, and the de facto commission of war crimes, with the lightest touch. In fact, pundits like Thomas Friedman of the New York Times have urged the direct bombing of civilians and thus the commission of war crimes. On NATO principles justifying the bombing of Serb TV, the New York Times is eminently bombable. So is a ''command and control center'' like the White House.

Collateral damage: This is our friend from the Vietnam and Persian Gulf wars. It purrs, suggesting inadvertence and ''errors.'' But where the likelihood of ''errors'' in a bombing raid have a probability of over 90 percent, the damage is intentional even if the particular victims were not targeted. If somebody throws a bomb at an individual in a crowded theater, and 100 bystanders are also killed, would we say that the bomb thrower was not clearly guilty of killing the 100 because their deaths were unintended and the damage was ''collateral''? We only reserve such purr word excuses for ''humanitarian'' bombing.

Negotiations: During the Vietnam and Persian Gulf wars, U.S. officials regularly claimed to be interested in ''negotiations,'' when in reality they were only ready to accept surrender. With incredible patriotic gullibility the media swallowed the official propaganda claims and helped pave the way for war and the prolongation of war. At Rambouillet, NATO offered Yugoslavia an ultimatum that included NATO's right to occupy all of Yugoslavia. This offer was one no sovereign nation could accept and was designed to be rejected. But just as in the earlier cases, the media accepted the false official version, that Milosevic rather than NATO was unwilling to negotiate or accept reasonable terms. And once again the media helped pave the way for war.

Rule of law: This is a purr phrase, that is used only when convenient. During the Persian Gulf war, at which time the Bush administration could get Security Council agreement for action against Iraq, President Bush declared that the issue at stake was the ''rule of law'' versus the law of the jungle. However, at the time of the incursion into Panama in 1989, when Security Council approval was not obtainable and the incursion was in violation of the OAS agreement, the matter of law was muted. Similarly, unable to obtain Security Council approval for the NATO attack on Yugoslavia, with the attack in seeming violation of the UN Charter, and with U.S. participation eventually in violation of the War Powers Act, U.S. and NATO officials do not stress the urgency of the rule of law. And the U.S. mainstream media cooperate by setting this issue aside as well. They now ignore their old favorite Alexander Solzhenitsyn, who says that ''The aggressors have kicked aside the UN, opening a new era where might is right.''

Genocide and ethnic cleansing: These snarl words have been frequently applied to the Serbs, helping justify the bombing that has turned a moderately serious Kosovo crisis into a regional catastrophe. The greatest single case of ethnic cleansing in Yugoslavia in the 1990s occurred at Krajina in Croatia in 1995, where several hundred thousand Serbs were put to flight and many killed. This action was done with U.S. and NATO aid and was not objected to in any way by NATO.

Before the NATO bombing an estimated 2,000 had been killed in Kosovo in the prior year. This is half the number killed in Colombia the same year; a country that gets $290 million in U.S. military aid. Two important cases where the word genocide might apply over the last 25 years are Ruanda, in which U.S. officials refused to apply the word and sabotaged any international intervention, and East Timor, where a third of the population died in the wake of Indonesia's invasion and occupation. In the East Timor case, the United States supplied the weapons for the killing and vetoed any effective UN intervention. As regards General Suharto, the world's only known triple genocidist (Indonesia, West Papua, East Timor), on his visit to Washington in 1995 a senior Clinton administration official was quoted in the New York Times as saying of him: ''he's our kind of guy.''

In sum, U.S. and western hostility to genocide and ethnic cleansing has been highly selective. The policy toward Kosovo has been

riddled with contradictions and hypocrisies, and has enlarged a local human rights crisis to a regional disaster. This has been helped by a system of doublespeak that the mainstream media have not only failed to challenge but have incorporated into their own usage. Contrary to their proclaimed objectivity, this failure has made them agents of state propaganda, rather than information servants of a democratic community.

BOMB THE NEW YORK TIMES?

(By Edward S. Herman and David Peterson)

NATO spokespersons have justified the bombing of Serbian TV and radio on the grounds that these broadcasters are an ''instrument of state propaganda,'' tell lies, spew forth hatred, provide no ''balance'' in their offerings, and thus help prolong the war. In an April 8th news briefing NATO Air Commodore David Wilby explained: ''Serb radio is an instrument of propaganda and repression. It has filled the airwaves with hate and with lies over the years, and especially now. It is therefore a legitimate target in this campaign. If President Milosevic would provide equal time for Western news broadcasts in his programs without censorship . . . then his TV would become an acceptable instrument of public information.''

The mainstream U.S. media have accepted this NATO rationale for silencing the Serbia media, viewing themselves as truth-tellers and supporters of just policies against the evil enemy. But this is the long-standing self-deception of people whose propaganda service is as complete as that of Serbian state broadcasters. Just as they did during the Persian Gulf war, the mainstream media once again serve as cheer-leaders and propagandists for ''our side. And as the brief review below shows, on NATO principles the Times et al. are eminently bombable.

BALANCE

The Serbian media is bombable, says Wilby, because it has not provided ''equal time'' to western broadcasters. This ludicrous criterion is far better met by the Serbian media than by those of the U.S. (or Britain). An estimated one-third or more of Belgrade residents watch western TV news broadcasts (including CNN, BBC, and Britain's Sky News), and many Serbs watch CNN for advance warning of bombing raids. This greatly exceeds the proportion of U.S. citizens who have access to dissident foreign messages, and domestic dissent here is marginalized. FAIR's May 5 study ''Slanted Sources in Newshour and Nightline Kosovo Coverage'' showed that only 8 percent of its participants were critical of the bombing campaign, far below the Wilby standard for Serbia.

SPEWING HATRED

The demonization of Milosevic, the shameless use of of the plight of Albanian refugees to stoke hatred and justify NATO violence, and the near-reflexive use of words like ''genocide'' and ''ethnic cleansing'' surely competes with anything that the ''state-controlled'' Serbian media have served up. As with the earlier demonization of Saddam Hussein, *Newsweek* placed Milosevic on its cover titled ''The Face of Evil'' (April 19), while *Time* showed the demon's face with an assassin's crosshairs centered between his eyes (April 5). A State Department official has acknowledged that ''the demonization of Milosevic is necessary to maintain the air attacks'' (San Francisco Chronicle, March 30, 1999), and the media have responded.

*Times* Foreign Affairs columnist Thomas Friedman has repeatedly called for the direct killing of Serbian civilians—''less than surgical bombing'' and ''sustained unreasonable bombing''—as a means of putting pressure on the Yugoslavian government (April 6, 9, 23, May 4 and 11), which amounts to urging NATO to commit war crimes. If Serb broadcasters were openly calling for slaughtering Kosovo Albanians the media would surely regard this as proving Serb barbarism.

EVADING OR SUPPRESSING INCONVENIENT FACTS AND ISSUES

Because the NATO attack is in violation of the UN Charter the mainstream media have set this issue aside, although in 1990, when George Bush could mobilize a Security Council vote for his war, he stated that he acted on behalf of a world ''where the rule of law supplants the rule of the jungle,'' In 1990, it was awkward that Bush had appeased Saddam Hussein before his invasion of Kuwait, so the media buried that fact; in 1999 the media rarely mention that Clinton supported the massive Croatian ethnic cleansing of Serbs in 1995 or that he has consistently ignored Turkey's repression of Kurds (with Turkey actually providing bases for NATO bombing attacks on Yugoslavia).

THE BIG LIE OF NATO'S HUMANITARIAN AIM

That this is a lie demonstrated by the terrible effects of NATO policy on the purported beneficiaries; by the fact that these negative consequences were seen as likely by intelligence and military officials, which didn't affect their willingness to ''take a chance''; by NATO's continuation of the policy even as evidence of its catastrophic effects mounted; by NATO's methods, which have included the destruction of the Serb's civilian infrastructure and the use of delayed action cluster bombs and depleted uranium shells that could make Kosovo uninhabitable; and by the NATO's failure to prepare for the induced refugee crisis and its unwillingness to accept more than nominal numbers of refugees. NATO's official responses to repeated civilian casualties from its bombing attacks have been notably lacking in human sympathy. British journalist Robert Fisk was appalled by a NATO press conference of May 14, the day after 87 ethnic Albanians were ''ripped apart'' by NATO bombs at Korisa. NATO spokesmen Jamie Shea and Major-General Walter Jertz ''informed us 'It was another very effective day of operations'.'' There was ''not a single bloody word of astonishment or compassion,'' (*The Independent* [London], May 15, 1999). This response of NATO officials was not mentioned, let alone featured, in the U.S. media.

Thanks to the scale of the refugee crisis, the U.S. media have been unable to avoid reporting that the NATO bombing has been followed by catastrophic effects. But while some commentators have declared the policy a failure and have castigated the administration for it, most have followed the official line of blaming all of these nasty developments on Milosevic. They have focused intently and uncritically on alleged Serb abuses, all allegedly ''deliberate,'' whereas NATO killings and damage are slighted, and when unavoidably reported are allowed to be ''errors.''

THE BIG LIE ABOUT THE ''FAILURE'' OF DIPLOMACY

As with Kosovo, during the Persian Gulf war experience the media accepted that the enemy has refused to negotiate, thus compelling military action. Although Bush himself stated repeatedly that there would be no negotiations—''no reward for aggression''—and that Iraq must surrender, the media pretended that the U.S. was laboring to ''go the extra mile for peace,'' while they suppressed information on numerous rejected peace offers. Thomas Friedman, after acknowledging that Bush strove to block off diplomacy lest negotiations ''defuse the crisis'' (Aug. 22, 1990), subsequently reported that ''diplomacy has failed and it has come to war'' (Jan. 20, 1991), without mentioning that the diplomatic failure was intentional.

In the case of the NATO war on Yugoslavia, the official position is that Yugoslavia refused NATO's reasonable offer at Rambouillet, and that Milosevic's intransigence thus forced NATO to bomb. This is a Big Lie—NATO's offer was never reasonable, requiring Yugoslavia to accept not only full occupying power rights by NATO in Kosovo—apart of Yugoslavia—but also NATO's right to ''free and unrestricted passage and unimpeded access'' throughout Yugoslavia. The Serbs had indicated a definite willingness to allow a military presence in Kosovo, but not by NATO and certainly not with NATO authority to occupy all of Yugoslavia. NATO would not negotiate on these matters and issued an ultimatum to Yugoslavia that no sovereign state could accept.

As in the Persian Gulf war case, however, the mainstream U.S. media accepted the official line that the bombing resulted from a Serbian refusal of a reasonable offer after ''extensive and repeated efforts to obtain a peaceful solution'' (Clinton). The Serb position and the continued Serb willingness to negotiate on who would be included in the occupying forces was essentially ignored or deemed unreasonable; the ultimatum aspect of the process was considered of no importance; and the fact that the ultimatum required Yugoslavia to agree to virtual occupation of the entire state by NATO was suppressed. The NATO position, as the bush position in the Persian Gulf war, was surrender, not negotiate. And the media today, as then, pretend that we are eager to negotiate with a mulish enemy.

In sum, the propaganda service of the mainstream U.S. media to the Kosovo war would be hard to surpass, and on NATO principles the New York Times and its confreres are eminently bombable. But as usual, for the U.S. and NATO powers international law and moral principles apply only to others. To the godfather and his flunkies, an entirely different set of principles applies.

## IN HONOR OF TOM PARKER

### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues my appreciation and regard for Tom Parker. On Friday, June 18th, Tom's friends, family and admirers will gather in Milwaukee to celebrate his career and wish him well as he retires as President of the Milwaukee County Labor Council AFL-CIO.

Tom Parker is proud to be a machinist by trade. When he began his career at the Milwaukee-based heavy equipment manufacturing firm Allis Chalmers, he also joined the Machinists International Union. After leaving Allis Chalmers, Tom traveled around a bit, repairing printing presses and generators, and in 1962, he took a job at Miller Brewing and joined Machinist Lodge 66. He took an active interest in the union's advocacy efforts and worked himself into a leadership role. In 1973, Tom left the brewery to accept a full-time position as the local's Secretary-Treasurer.

In 1978, Milwaukee's labor community was shocked by the sudden death of Labor Council President Leo Winninger. Area union leaders urged Tom Parker to run, and he was elected

to the first of what would become 10 consecutive terms as President of the Milwaukee County Labor Council.

Throughout his service as Labor Council President, Tom Parker has been a vigorous advocate for Milwaukee area workers and their families and a gifted spokesman for organized labor. He has helped the Labor Council to work better, communicate more productively with the community and within its own membership, and respond more quickly and effectively to individual challenges and broader economic and policy changes.

Tom's public service is not limited strictly to the responsibilities of organized labor. He currently serves as a member of the Greater Milwaukee Committee, one of the area's leading civic organizations, as well as on the Aurora Health Care Board of Directors and the City of Milwaukee's Ethics Committee. Tom has also served on the boards of directors of some of Milwaukee's most active and enduring institutions, including the International Institute, the Villa Terrace Art Museum, Community Care of Milwaukee, the Milwaukee Council on Alcoholism and Drug Dependence, and the American Red Cross.

Mr. Speaker, I have always respected Tom Parker's keen understanding of the impact the issues and policies at hand have on the people they affect. He has always remembered that a contract negotiation or a legislative decision is not an abstract, but a very tangible act with very real consequences for workers and their families. He has approached all of his public activities in this same spirit, and I am proud to count myself among the many who have benefitted from his example.

As Tom's family, friends, union brothers and sisters, and admirers prepare to celebrate his career, I am honored to offer my congratulations on a job well done, my thanks for a lifetime of service, and my very best wishes to Tom Parker.

## RECOGNIZING RENEWAL WEEK AND THE VALUE OF COMMUNITY BASED PROGRAMS LIKE CHARACTER COUNTS IN THE FIGHT AGAINST JUVENILE CRIME

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. WAMP. Mr. Speaker, this week is Renewal Week. A week that we in the Renewal Alliance have set aside to remind our Colleagues and America about the value of private, community, and faith based organizations. Our nation has awakened this year to the reality of a cultural breakdown, where traditional values of respect and responsibility have often been replaced by indifference and apathy. But instead of just looking to Washington for a short term band-aid, I encourage everyone to help us look for a comprehensive solution. Our efforts should both protect our children and give them hope for their future. The only way we can do this is to bring traditional values back into our families, schools, and communities.

I want to share with you the exciting work being done by a program known as Character Counts. This is a program designed to bring character-based education to our nation's schools. The Character Counts curriculum is taught in my district in Hamilton County and has been particularly successful this past school year. Values such as honesty, courage, citizenship, responsibility, values that helped make our country great, are discussed every week. In recent years violence, crime, addiction, poverty, and the breakdown of the family have taken its toll on the health of our local communities. If we truly want to stem the tide, we must return to our core values. I particularly want to praise Senator PETE DOMENICI who has been a strong advocate for this organization in the Senate and throughout the country. I encourage all of my colleagues to follow his lead.

Throughout this week, I encourage you to join me in empowering community institutions and encouraging community renewal to help inner cities and distressed rural communities gain their share of America's property. We must acknowledge a federal role, but let's focus on our communities to give our children hope for the future. We cannot fight this battle alone.

## HONORING MEMBERS OF THE AMERICAN LEGION AUXILIARY

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. BILIRAKIS. Mr. Speaker, initially, the American Legion Auxiliary was organized by concerned women who took on the day-to-day responsibilities of life when U.S. soldiers were sent to Europe during World War I. Aware of the plight of fatherless families and the needs of returning veterans, these women vowed to continue their supportive role when the veterans of World War I founded the American Legion in 1919.

The first words of the Auxiliary preamble are ''For God and Country.'' Auxiliary members believe in the ideals and principles of America's founding fathers. They also pledge to foster patriotism, preserve and defend the Constitution, promote allegiance to God and Country, and uphold the basic principles of freedom of religion, freedom of expression and freedom of choice.

The organization's programs were created to provide assistance, education and financial support for veterans and their families and to benefit the community because the Auxiliary focuses on helping to create a better society, particularly for the nation's citizens of the future, our children and young people. Through its nearly 12,000 units located in every state and some foreign countries, the Auxiliary embodies the spirit of America that has prevailed through war and peace.

I would like to recognize five exceptional Auxiliary members from Florida who have over 270 years of combined service to our nation. These women are: Shirley Campbell with 52 years of service; Edna Davis with 52 years of service; Barbara Pfohl with 52 years of service; Anna Rottensterger with 52 years of service; and Bertha Wolfe with 63 years of service.

These women have spent thousands of hours volunteering at the Bay Pines VA Medical Center. Their activities include holding monthly bingo and card parties; providing homemade cookies to veterans; delivering candy and books to veterans in the hospital; and manning the Medical Center's information desks. These Auxiliary members have also distributed flags to thousands of school children, collected food for the needy and raised funds for student scholarships.

I want to commend each of these exceptional women and all of the members of the American Legion Auxiliary for their dedicated service to America's veterans and our nation.

## THERE THEY GO AGAIN: CLINTON-GORE ''BLACKLISTING'' U.S. TAXPAYERS, JOBS AND EMPLOYERS AS PAYBACK TO THE AFL-CIO

### HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. CUNNINGHAM. Mr. Speaker, I want to bring to my colleagues' attention an old Clinton-Gore Administration initiative to endanger American jobs, and raise the government's cost of doing business. This initiative is known as the Blacklisting Regulation. This old proposal has new life because a presidential election is coming, and Vice President GORE is paying back the AFL–CIO.

In short, this proposed addition to the Federal Acquisition Regulations (FAR) would ''blacklist'' employers deemed to have insufficient ''responsibility'' in relations with workers from being able to do business with the Federal Government. It does not make goods and services less costly to the taxpayers. It does not improve the quality of goods and services provided to the government. It does not streamline or improve the procurement process.

No, what the Clinton-Gore Blacklisting Regulation would do is hand the union bosses the sword of Damocles over every employer in America—and over every one of their workers. For under this dangerous proposal, an employer and its workers may be in full compliance with the labor laws and regulations, in full compliance with workplace safety laws, and in full compliance with all other laws and regulations relating to procurement, but in danger of a politically-driven and costly contract cutoff.

Here is how the Clinton-Gore Blacklisting Regulation would work. Say a union is waging economic terrorism on an employer, filing frivolous complaints with the Occupational Safety and Health Administration, the Wage and Hour Division and the Office of Fair Employment Practices. Then that pile of complaints—not convictions, not findings of wrongdoing, but complaints—may identify the targeted employer as insufficiently ''responsible.'' Federal procurement officials would ban the government from doing business with that employer. And workers would lose their jobs. They would be unemployed. Unless, of course, they knuckled under to the union bosses' economic terrorism.

As Americans, we are united in support of safe workplaces, fair treatment of employees, the right of employees to bargain collectively according to the law, and a day's pay for a day's work. Perhaps this Administration is not aware that America already has labor laws, and penalties for violating them. Perhaps this Administration is not aware that America has

laws that prohibit contractor fraud, and penalties for violating them. These laws and our Constitution provide every American equal protection under the law.

So what is the purpose of this regulation, if it will not provide taxpayers any more value? I would rather not characterize this Clinton-Gore Blacklisting Regulation as driven by the Administration's payback of an old political debt to the AFL–CIO, or by the Vice President's moribund campaign for the White House. But let quote from the June 12, 1999, edition of National Journal, an article titled ''Gore's Contract with Labor,'' by Alexis Simendinger:

Vice President Al Gore is on the verge of fulfilling a powerful promise he made to organized labor more than two years ago.

The business community views the language as nothing more than a well-timed gift from Gore to labor—a constituency the Vice President hopes to mobilize in full force on his behalf in the presidential race next year . . . some union presidents are reluctant to endorse Gore, because of differences with the Administration over trade. The Vice President is expected to meet with the holdouts before the AFL–CIO's Executive Council meets in Chicago in August.

The proposal is ''not an analytically good thing to do, with clear benefits to the procurement system that will buy more for the public, or that will have any good government logic it,'' said one Administration official.

AFL–CIO President John J. Sweeney, in an eight-page memo distributed to national and international union presidents in March 1997, initiated a fact-finding effort to gather the kind of specifics that would justify the rule change that Sweeney sought and that Gore promised. In his memo, Sweency said the AFL–CIO needed data ''to withstand Republican and business community opposition in Congress and the courts.''

This Clinton-Gore Blacklisting Regulation is wrong, Mr. Speaker. It is anti-taxpayer, anti-worker, anti-business and anti-American. It unbalances 60 years of labor laws enacted by Congress. And in the interest of every worker in America, unionized or not, whose livelihood providing goods and services to the U.S. Government is now endangered by the Clinton-Gore Blacklisting Regulation, we must work together to stop it.

For my colleagues and the public, I include a copy of this proposal in the CONGRESSIONAL RECORD. In addition, I want my colleagues to know that the AFL–CIO President John Sweeney memo referenced above was entered into the RECORD of April 15, 1997, page E–661, in a speech titled ''There They Go Again: The Big Labor Bosses Versus American Taxpayers, Employers and Jobs.''

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9 and 31

Federal Acquisition Regulation; Contractor Responsibility; Labor Relations Costs and Costs Relating to Legal and Other Proceedings

Agencies: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

Action: Notice of proposed rulemaking.

Summary: The Federal Acquisition Regulatory Council proposes to amend FAR Parts 9 and 31 to clarify coverage and give examples of suitable contractor responsibility considerations; as well as to make unallowable the costs of 1) attempting to influence employee decisions respecting unionization, and 2) make unallowable those legal expenses related to defense of judicial or administrative proceedings brought by the Federal Government when a contractor is found to have violated a law or regulation, or where the proceeding is settled by consent or compromise.

Dates: Comments should be submitted to the FAR Secretariat at the address shown below on or before [insert date 120 days after *Federal Register* publication date] to be considered in the formulation of the final rule.

Address: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 18th and F Streets, NW, Room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405.

Please cite FAR case 99– , in all correspondence related to this case.

For further information contact: at in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4035, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAR case 99– .

Supplementary information:

A. BACKGROUND

*FAR Responsibility Criteria*

The Federal Acquisition Regulatory Council is proposing to amend FAR Part 9 to clarify coverage concerning contractor responsibility considerations, by adding examples of what falls within the existing definition of an ''unsatisfactory record of integrity and business ethics.'' The proposed amendment will provide Contracting Officers with guidance concerning general standards of contractor compliance with applicable laws when making pre-award responsibility determinations. Accordingly, language has been proposed for addition to FAR Subsection 9.104–1(d) and (e).

A prospective contractor's record of compliance with laws and regulations promulgated by the Federal Government are a relevant and important part of the overall responsibility determination. This proposed FAR amendment clarifies the existing rule by providing several examples of what constitutes an unsatisfactory record of compliance with laws and regulations. These examples are premised on the existing principle that the Federal Government should not enter into contracts with law breakers. For example, some Contracting Officers have inquired as to whether a prospective contractor's failure to comply with applicable tax laws may be considered in making a responsibility determination. The proposed rule clarifies that such a circumstance may be considered by the Contracting Officer. Similarly, inquiries have been made concerning contractors with a record of employment discrimination, and whether this circumstance should factor into the overall responsibility determination. Again, the proposed rule attempts to clarify the fact that an established record of employment discrimination would be a relevant part of the Contracting Officer's determination because such a record or pattern is a strong indication of a contractor's overall willingness or capability to comply with applicable laws.

Inquiry has also been made as to whether responsibility determinations must rest upon a final adjudication. Normally, adverse responsibility determinations involving violations of law or regulation should be based upon a final adjudication by a competent authority concerning the underlying charge. However, in some circumstances, it may be appropriate for the Contracting Officer to base an adverse responsibility determination upon persuasive evidence of substantial noncompliance with a law or regulation, (i.e., not isolated or trivial), but repeated and substantial violations establishing a pattern or practice by a prospective contractor. The facts and circumstances in each such case will require close scrutiny and examination).

An efficient, economical and well-functioning procurement system requires the award of contracts to organizations that meet high standards of integrity and business ethics and have the necessary workplace practices to assure a skilled, stable and productive workforce. This proposal seeks to further the Government's use of best commercial practices by ensuring the Government does business only with high-performing and successful companies that work to maintain a good record of compliance with applicable laws.

*Cost Principle Changes*

The Council is also proposing to amend the cost principle at FAR 31.205–21 to make unallowable those costs relating to attempts to influence employee decisions respecting unionization. This cost principle change is in furtherance of the Government's long-standing policy to remain neutral with respect to employer-employee labor disputes (see FAR Part 22). It has come to the Council's attention that some contractors are claiming, as an allowable cost, those activities designed to influence employees with respect to unionization decisions. Inasmuch as a number of cost-based Federal programs have long made these types of costs unallowable as a matter of public policy (e.g., see 29 U.S.C. 1553(c) (1), 42 U.S.C. 1395x(v)(1) (N), 42 U.S.C. 9839(e), and 42 U.S.C. 12634(b)(1)), equity dictates that this same principle be extended to Government contracts, as well.

Finally, the Council is proposing to amend FAR 31.205–47 to make clear that costs relating to legal and other proceedings are unallowable where the outcome is a finding that a contractor has violated a law or regulation, or where the proceeding was settled by consent or compromise (except that such costs may be made allowable to the extent specifically provided as a part of a settlement agreement). At present, the relevant cost principle generally makes unallowable legal and other proceeding costs where, for example, in a criminal proceeding, there is a conviction, or where, for example, in a civil proceeding, there is a monetary penalty imposed. It has been brought to the Council's attention that there are a number of civil proceedings brought by the Federal Government each year that do not result in imposition of a monetary penalty (e.g., NLRB or EEOC proceedings), but which do involve a finding or adjudication that a contractor has violated a law or regulation, and where appropriate remedies are then ordered.

Under the proposed rule, the allowability of legal and other proceedings costs would depend on whether or not a contractor is found to have violated a law or regulation rather than on the nature of the remedy imposed. Taxpayers should not have to pay the legal defense costs associated with adverse decisions against contractors, especially where the proceeding is brought by an agency of the Federal Government.

*Additional Consideration*

In order to give greater effect to the FAR responsibility clarifications being proposed, the Council would appreciate receiving comments and suggestions concerning whether the provision appearing at FAR 52.209–5—''Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters,'' should be amended to provide for enhanced responsibility disclosure relative to this proposal.

B. REGULATORY FLEXIBILITY ACT

This proposed rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most contracts awarded to small entities do not involve use of formal responsibility surveys. In addition, most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive fixed-price basis and do not require the submission of cost or pricing data or information other than cost or pricing data, and thus do not require application of the FAR cost principles. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small business and other interested parties. Comments from small entities concerning the affected FAR parts also will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and cite 5 U.S.C. 601, et seq. (FAR case 99– ), in correspondence.

C. PAPERWORK REDUCTION ACT

The Paperwork Reduction Act does not apply because the proposed FAR changes do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 9 and 31: Government procurement.

Dated:

EDWARD C. LOEB,
*Director, Federal Acquisition Policy Division.*

Therefore, 48 CFR Parts 9 and 31 are proposed to be amended as set forth below:

PART 9—CONTRACTOR QUALIFICATIONS

1. The authority citation for 48 CFR Part 9 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Subsection 9.104–1 is proposed to be amended by revising paragraphs (d) and (e) to read as follows:

9.104–1 General standards.

* * * * *

(d) Have a satisfactory record of integrity and business ethics (examples of an unsatisfactory record would include persuasive evidence of the prospective contractor's lack of compliance with tax laws, or substantial noncompliance with labor and employment laws, environmental laws, anti-trust laws and other consumer protections);

(e) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors) (see 9.104–3(a)), and the necessary workplace practices addressing matters such as training, worker retention, and legal compliance to assure a skilled, stable and productive workforce;

* * * * *

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

3. The authority citation for 48 CFR Part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

4. Subsection 31.205–21 is proposed to be amended by redesignating the current text as paragraph ''(a)'' and adding a paragraph (b) to read as follows:

31.205–21 Labor relations costs.

(a) Costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

(b) Costs incurred for activities related to influencing employees respecting unionization are unallowable.

5. Subsection 31.205–47 is proposed to be amended by adding a new subparagraph (f)(9) to read as follows:

31.205–47 Costs related to legal and other proceedings.

* * * * *

(f) * * *

(9) Defense of judicial or administrative proceedings brought by the Federal Government for violation of, or failure to comply with, law or regulation by the contractor (including its agents or employees), where (i) the contractor was found to have violated a law or regulation or (ii) the proceeding was settled, except that costs not otherwise unallowable may be allowed to the extent specifically provided as part of a settlement agreement between the contractor and the Federal Government resolving the proceeding by consent or compromise.

## A TRIBUTE TO THREE CIVIL RIGHTS LEADERS

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. GILMAN. Mr. Speaker, earlier this week, we were gratified to present Mrs. Rosa Parks with a Congressional Medal of Honor. She is commonly known as the Mother of Civil Rights. The next day we honored Congressman BOB FILNER and Congressman JOHN LEWIS at a luncheon commemorating the thirty fifth anniversary of the Freedom Rides. Both Congressmen participated in the rides of 1961. These people were willing to sacrifice their own lives in order to free our country of social injustice. Accordingly, I rise today to ask our colleagues to join me in honoring Mrs. Rosa Parks, Congressman JOHN LEWIS, and Congressman BOB FILNER. All three of these outstanding Americans have dedicated their lives to the defense of our civil rights. They participated in the Civil Rights Movement, understanding that there was a danger to their own lives.

Rosa Parks boarded a bus in December of 1955. She was not looking to incite any trouble. She was tired of being told for her entire life to move to the back of the bus for white people. She took a stand in refusing to move from her seat and was arrested. A year later, she rode a bus again. This time she sat where she pleased. Because of her leadership in the subsequent bus boycott, the transit company was brought before a Federal court that issued a ruling recognizing the right of all people to ride the bus and sit where they pleased. She has since become known as the ''Mother of the Civil Rights Movement.''

Mrs. Parks became the secretary of the NAACP. Later she became the Advisor to the NAACP Youth Council. Rosa Parks has created educational programs for our youth through the Rosa and Raymond Parks Institute for Self-Development. These programs are designed to expand the knowledge of children, ages eleven to eighteen, regarding the Civil Rights Movement, the Underground Railroad and other significant aspects of African American History.

Rosa Parks took a stand when the odds were against her. Her courageous actions are an example of the efforts that we must all make in our everyday lives to defend our rights and the rights of those around us.

Congressman JOHN LEWIS became involved in the Civil Rights Movement at an early age. He challenged segregation at lunch counters. Congressman LEWIS participated in the Freedom Rides in 1961. He was severely beaten by mobs, risking his life. From 1963 until 1966, he was the chairman of Student Nonviolent Coordinating Committee (SNCC) which was responsible for organizing sit-ins and other events to help further the Civil Rights Movement. JOHN was considered to be one of the ''Big Six'' leaders of the civil rights movement. LEWIS both planned and spoke at the March on Washington. Congressman LEWIS led a march across the Edmund Pettus Bridge in Selma, Alabama in 1965. The marchers were met by the Alabama State Troopers in a violent scene. This confrontation aided in the passing of the Voting Rights Act of 1965.

Congressman JOHN LEWIS has been a member of Congress since 1986. He has been a member of the House Ways and Means Committee, the Subcommittee on Health, and the Subcommittee on Oversight. He is a member of several different caucuses. JOHN LEWIS has served our nation his entire life. He embodies everything that our country stands for. Today, he is especially devoted to the needs and aspiration of his constituents.

Congressman BOB FILNER began his struggle for civil rights in 1961. He was a participant in the first Freedom Rides. He was arrested and imprisoned in Mississippi for several months for his courageous stand. Congressman FILNER entered Congress in 1992. He was named to the Committee on Transportation immediately. FILNER has been an advocate for funding Medicare, crime control, education, the environment, and veterans.

These courageous civil rights advocates remind us of our responsibilities. They protected the deepest virtues that our country promises. That is freedom and equality. They knew and understood that the oppression of people was wrong and rebelled against the evil of injustice. They recognized the social ills that surrounded them and destroyed the foul winds of prejudice.

We, in the Congress, who are aware of the achievements of Mrs. Rosa Parks, Congressman JOHN LEWIS and Congressman BOB FILNER have a responsibility to inform the public of their heroic acts. I know that my colleagues will join me in honoring and commending Mrs. Rosa Parks, Congressman JOHN LEWIS, and Congressman BOB FILNER for their outstanding achievements. I am confident that their acts will inspire us to foster and protect our nation's civil rights.

## PERSONAL EXPLANATION

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 204 (H.R. 1000), I was unavoidably

detained during travel from my district to Washington. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MENENDEZ. Mr. Speaker, during rollcall vote No. 230 I was avoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 230, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 231 had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 232 had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 233 had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 229, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1999*

Mr. MINGE. Mr. Speaker, on rollcall No. 228, had I been present, I would have voted ''yes.'

*Thursday, June 17, 1999*

# *Daily Digest*

HIGHLIGHTS

House Committee ordered reported the Comprehensive Budget Process Reform Act of 1999.

The House passed H.R. 1501, Child Safety and Protection Act.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S7161–S7246*

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 1231–1241, S. Res. 124, and S. Con. Res. 40. **Pages S7218–19**

Measures Reported: Reports were made as follows:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000.'' (S. Rept. No. 106–79)

S. 1233, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000. (S. Rept. No. 106–80)

S. 1234, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000. (S. Rept. No. 106–81)

S. 326, to improve the access and choice of patients to quality, affordable health care, with an amendment in the nature of a substitute. (S. Rept. No. 106–82)

S. 692, to prohibit Internet gambling, with an amendment in the nature of a substitute. **Page S7218**

Measures Passed:

*Operation Allied Force:* Senate agreed to S. Con. Res. 40, commending the President and the Armed Forces for the success of Operation Allied Force. **Pages S7244–45**

Emergency Steel, Oil and Gas Loan Guarantee Program: Senate completed consideration of H.R. 1664, making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, agreeing to the committee amendments, and taking action on the following amendments proposed thereto: **Pages S7170–S7203**

Adopted:

Stevens Amendment No. 687, to strike certain emergency provisions, to limit certain loan guarantees, to change the membership of the Loan Guarantee Board, and to strike certain lower loan limits. **Pages S7198–99**

Rejected:

McCain Amendment No. 685, to restrict the spending of any money for certain programs until they are authorized by the appropriate Committees and the authorization bill is enacted by Congress. (By 64 yeas to 34 nays (Vote No. 174), Senate tabled the amendment.) **Pages S7190–95, S7198**

Murkowski Amendment No. 686, to provide for the Secretary of the Interior, in cooperation with the Governor of Alaska, to conduct a study to identify environmental impacts, if any, of subsistence fishing and gathering and of commercial fishing in the marine waters of Glacier Bay National Park, and to provide a report to Congress on the results of such study. (By 59 yeas to 38 nays (Vote No. 175), Senate tabled the amendment.) **Pages S7195–98, S7199–S7201**

A unanimous-consent agreement was reached providing for a vote on passage of the bill at 9:30 a.m., on Friday, June 18, 1999. **Page S7245**

Appointment:

*U.S. Holocaust Memorial Council:* The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appointed the following Senators to the United States Holocaust Memorial Council: Senators Hatch, Murkowski, and Abraham. **Page S7245**

Nomination Confirmed: Senate confirmed the following nomination:

Richard L. Morningstar, of Massachusetts, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador. **Pages S7245–46**

Nominations Received: Senate received the following nominations:

F. Whitten Peters, of the District of Columbia, to be Secretary of the Air Force.

Stuart E. Eizenstat, of Maryland, to be Deputy Secretary of the Treasury.

Michael A. Sheehan, of New Jersey, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Maryanne Trump Barry, of New Jersey, to be United States Circuit Judge for the Third Circuit.

James E. Duffy, Jr., of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Elena Kagan, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit. **Page S7246**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

James W. Wetzler, of New York, to be a Member of the Internal Revenue Oversight Board for a term of three years, which was sent to the Senate on May 27, 1999. **Page S7246**

Communications: **Pages S7216–17**

Petitions: **Pages S7217–18**

Statements on Introduced Bills: **Pages S7219–32**

Additional Cosponsors: **Pages S7232–34**

Amendments Submitted: **Page S7235**

Authority for Committees: **Pages S7235–36**

Additional Statements: **Pages S7236–39**

Text of S. 1186, as Previously Passed: **Pages S7239–44**

Record Votes: Two record votes were taken today. (Total—175) **Pages S7198, S7201**

Adjournment: Senate convened at 10 a.m., and adjourned at 7:11 p.m., until 9:30 a.m. on Friday, June 18, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7245.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following bills:

An original bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000; and

An original bill (S. 1234) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000.

## EXPORT ADMINISTRATION ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings on proposed legislation authorizing funds for programs of the Export Administration Act, focusing on emerging technologies, after receiving testimony from Michael C. Maibach, Intel Corporation, Frank Carlucci, Nortel Networks, Eric L. Hirschhorn, Industry Coalition on Technology Transfer, and Rhett Dawson, Information Technology Industry Council, all of Washington, D.C.; and Thomas Arnold, CyberSource Corporation, San Jose, California, on behalf of the Software and Information Industry Association.

## NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nominations of Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce, Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology, Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy, Ann Brown, of Florida, and Mary Sheila Gall, of Virginia, each to be a Commissioner of the Consumer Product Safety Commission, and Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation, after the nominees testified and answered questions in their own behalf.

## MUNICIPAL WASTE CONTROL

*Committee on Environmental and Public Works:* Committee concluded hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, S. 663, to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, after receiving testimony from Senators Specter, Warner, Robb and Bayh; Indiana Lt. Governor Joseph E. Kernan, Indianapolis; James M. Seif, Pennsylvania Department of Environmental Protection, Harrisburg; Gary Sondermeyer, New Jersey Department of Environmental Protection, Trenton; Floyd H. Miles, Sr., Charles City County Board of Supervisors, Providence Forge, Virginia; Dewey R. Stokes,

Franklin County Board of Commissioners, Columbus, Ohio, on behalf of the National Association of Counties; and Grover G. Norquist, Americans for Tax Reform, and Robert Eisenbud, Waste Management, Inc., both of Washington, D.C.

NOMINATION

*Committee on Finance:* Committee held hearings on the nomination of Lawrence H. Summers, of Maryland, to be Secretary of the Treasury, where the nominee testified and answered questions in his own behalf.

Hearings will continue on Tuesday, June 22.

MEDICAID COVERAGE AND SCHOOL-BASED SERVICES

*Committee on Finance:* Committee concluded hearings to examine Medicaid funding for school-based services, focusing on the school-based services play in assuring that children receive needed health care, after receiving testimony from Sally Richardson, Center for Medicaid and State Operations, Health Care Financing Administration, Department of Health and Human Services; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Vernon K. Smith, Health Management Associates, Lansing, Michigan; Gregory A. Vadner, Missouri Department of Social Services, Jefferson City; and Sue Gamm, Chicago Public Schools, Chicago, Illinois.

NOMINATION

*Committee on Foreign Relations:* Committee held hearings on the nomination of Richard C. Holbrooke, of New York, to be the United States Representative to the United Nations with the rank and status of Ambassador, and the United States Representative in the Security Council of the United Nations, where the nominee, who was introduced by Senators Warner and Moynihan, testified and answered questions in his own behalf.

Hearings will continue on Tuesday, June 22.

BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported S. 692, to prohibit Internet gambling, with an amendment in the nature of a substitute.

INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, June 23.

INCOME SECURITY

*Special Committee on Aging:* Committee concluded hearings on issues relating to income security, focusing on financial preparation and retirement education, after receiving testimony from Senator Graham; Leslie B. Kramerich, Deputy Assistant Secretary of Labor for Policy, Pension and Welfare Benefits Administration; Don M. Blandin, American Savings Education Council, and Dallas L. Salisbury, Employee Benefit Research Institute, both of Washington, D.C.; Elizabeth Kiss, Iowa State University, Ames; Dan Houston, Principal Financial Group, Des Moines, Iowa; and Barbara Culpepper, Waterloo, Iowa.

# House of Representatives

## *Chamber Action*

Bills Introduced: 24 public bills, H.R. 2252–2275; 1 private bill, H.R. 2276; and 3 resolutions, H.J. Res. 59–60 and H. Con. Res. 136, were introduced. **Pages H4614–16**

Reports Filed: Reports were filed today as follows:

H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, amended (H. Rept. 106–19, Part 2); and

H.R. 791, to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, amended (H. Rept. 106–189). **Page H4614**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Wilson to act as Speaker pro tempore for today. **Page H4473**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Msgr. Richard W. O'Keefe of Yuma, Arizona. **Page H4473**

Child Safety and Protection Act: The House passed H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders by a yea and nay vote of 287 yeas to 139 nays, Roll No. 233.

The House completed general debate and considered amendments on June 16. **Pages H4476–H4573**

By a recorded vote of 101 ayes to 233 noes, Roll No. 232, rejected the Conyers motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back forthwith with an amendment that authorizes flexible block grant programs to address juvenile crime control and prevention; insure increased accountability for juvenile offenders; and establish research and evaluation initiatives related to the prevention and control of juvenile delinquency and serious crime. **Page H4555**

On demand for a separate vote, agreed to the Emerson amendment that expresses the Sense of Congress condemning the entertainment industry for its use of pointless acts of brutality by a yea and nay vote of 355 yeas to 68 nays, Roll No. 231. This amendment was agreed to in the Committee of the Whole by voice vote. **Pages H4554–55**

Agreed to:

The Emerson amendment that expresses the Sense of the Congress condemning the entertainment industry for its use of pointless acts of brutality in movies, television, music, and video games; **Pages H4476–86**

The Aderholt amendment, offered on the legislative day of June 16, that declares that the power to display the Ten Commandments on property owned or administered by the States is among the powers reserved to the States (agreed to by a recorded vote of 248 ayes to 180 noes, Roll No. 221); **Pages H4486–87**

The Souder amendment, offered on the legislative day of June 16, that allows governmental entities that make grants to nongovernmental entities also make grants or enter into contracts with religious organizations (agreed to by a recorded vote of 346 ayes to 83 noes, Roll No. 222); **Pages H4487–88**

The Markey amendment that commissions a study of marketing practices of the firearms industry; **Pages H4488–90**

The Markey amendment that requires the Surgeon General to conduct a comprehensive study on the impact on the health and welfare of children and young adults of violent messages delivered through popular media, video games, advertising, the internet, and other outlets of mass culture (agreed to by a recorded vote of 417 ayes to 9 noes, Roll No. 225); **Pages H4490–91, H4499–H4500**

The Roemer amendment that authorizes block grant funding for projects to improve school security including the placement and use of metal detectors; **Pages H4520–21**

The Wilson amendment that authorizes block grant funding for programs to promote or develop partnerships with established mentoring programs that provide positive adult role models and meaningful activities for juvenile offenders, including violent juvenile offenders; **Pages H4521–22**

The Goodling amendment that adds the provisions of H.R. 1150 to address juvenile delinquency prevention programs including after school programs, mental health services, and a flexible block grant program that can be tailored to local community requirements (agreed to by a recorded vote of 424 ayes to 2 noes, Roll No. 226); **Pages H4500–20, H4522–23**

The Norwood amendment that allows school personnel to discipline students with disabilities who carry or possess weapons in the same manner as those students without disabilities (agreed to by a recorded vote of 300 ayes to 128 noes, Roll No. 227); **Pages H4523–33**

The Franks of New Jersey amendment, as modified, that requires schools and libraries to implement filtering or blocking technology for computers with internet access to minors as a condition of the receipt of funding from the universal service fund; **Pages H4536–39**

The Fletcher amendment that authorizes block grant funding to establish partnerships between State and local agencies for character education programs that incorporate elements of good character including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness (agreed to by a recorded vote of 422 ayes with 1 voting ''no'', Roll No. 228); **Pages H4533–36, H4550–51**

The McIntosh amendment that limits civil liability for teachers, principals, and other school professionals who undertake reasonable actions to maintain order, discipline, and an appropriate educational environment (agreed to by a recorded vote of 300 ayes to 126 noes, Roll No. 229); and **Pages H4539–44, H4551**

The Schaffer amendment that requires a GAO analysis regarding the performance of juvenile justice delinquency and prevention programs and establishes a sunset date for those programs that are not effective (agreed to by a recorded vote of 364 ayes to 60 noes, Roll No. 230). **Pages H4544–52**

Rejected:

The Souder amendment, offered on the legislative day of June 16, that sought to prohibit funding to be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in juvenile justice programs (rejected by a recorded vote of 210 ayes to 216 noes, Roll No. 223); and **Page H4488**

The Wamp amendment that sought to establish a system for labeling violent content in audio and visual media products, ban the commercial distribution

of unlabeled products after one year, and subject violators to a fine of $10,000 (rejected by a recorded vote of 161 ayes to 266 noes, Roll No. 224).

**Pages H4491–99**

Mandatory Gun Show Background Check: The House completed general debate and began considering amendments to H.R. 2122, to require background checks at gun shows. Consideration will resume on June 18. **Pages H4573–H4612**

Agreed to:

The Dingell amendment that specifies 24 hour consecutive hours for instant background check elapsed time period purposes; allows dealers to transfer inventories in person; and increases the penalties for using a large capacity ammunition magazine during crimes of violence or drug trafficking (agreed to by a recorded vote of 218 ayes to 211 noes, Roll No. 234). **Pages H4587–96**

Rejected:

The McCarthy of New York amendment that sought to regulate firearms transfers at gun shows and require criminal background checks to prevent the sale of guns to minors and felons (rejected by a recorded vote of 193 ayes to 235 noes, Roll No. 235). **Pages H4596–H4606**

The Hyde amendment that bans the import of large capacity ammunition magazines or clips that hold more than 10 rounds of ammunition;

**Pages H4606–08**

Pending:

The Hyde amendment was offered that seeks to prohibit juveniles under the age of 18 from possessing semi-automatic assault weapons and large capacity ammunition magazines. **Pages H4609–12**

H. Res. 209, the rule that provided for consideration of both H.R. 1501 and H.R. 2122 was agreed to on June 16.

Senate Messages: Message received from the Senate appears on page H4473.

Referrals: S. 361 and S. 449 were referred to the Committee on Resources. **Page H4614**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H4617.

Quorum Calls—Votes: Two yea and nay votes and thirteen recorded votes developed during the proceedings of the House today and appear on pages H4486–87, H4487–88, H4488, H4499, H4499–H4500, H4522–23, H4532–33, H4550–51, H4551, H4551–52, H4555, H4572, H4573, H4595, and H4605–06. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 2:08 a.m. on Friday, June 18.

# *Committee Meetings*

## FREEDOM TO E-FILE ACT

*Committee on Agriculture,* Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing on H.R. 852, Freedom to E-File Act. Testimony was heard from Ira Hobbs, Deputy Chief Information Officer, USDA; and public witnesses.

## COMPREHENSIVE BUDGET PROCESS REFORM ACT

*Committee on the Budget:* Ordered reported amended, H.R. 853, Comprehensive Budget Process Reform Act of 1999.

## COMPREHENSIVE ELECTRICITY COMPETITION ACT

*Committee on Commerce:* Subcommittee on Energy and Power held a hearing on H.R. 1828, Comprehensive Electricity Competition Act. Testimony was heard from Bill Richardson, Secretary of Energy.

## STUDENT LOAN PROGRAMS

*Committee on Government Reform:* Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on Department of Education's Student Loan Programs: Are Tax Dollars at Risk? Testimony was heard from the following officials of the Department of Education: Steven A. McNamara, Jr., Assistant Inspector General, Audit; Marshall S. Smith, Acting Deputy Secretary; and Greg Woods, Chief Operating Officer, Office of Student Financial Assistance Programs; and public witnesses.

## CAMPAIGN REFORM

*Committee on House Administration:* Held a hearing on Campaign Reform. Testimony was heard from Representatives Gilchrest, Calvert and Sabo.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 744, to rescind the consent of Congress to the Northeast Dairy Compact; and H.R. 1694, Dairy Consumers and Producers Protection Act. Testimony was heard from Senators Feingold, Landrieu and Schumer; Tommy G. Thompson, Governor, State of Wisconsin; Leon C. Graves, Commissioner, Department of Agriculture, Food and Markets, State of Vermont; and public witnesses.

## NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT

*Committee on Resources:* Subcommittee on Energy and Mineral Resources held a hearing on H.R. 1528, National Geologic Mapping Reauthorization Act of 1999. Testimony was heard from P. Patrick Leahy,

Chief Geologist, U.S. Geological Survey, Department of the Interior.

MISCELLANEOUS MEASURES; OVERSIGHT

*Committee on Resources:* Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 1231, to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; H.R. 2079, to provide for the conveyance of certain National Forest System lands in the State of South Dakota; H.R. 468, Saint Helena Island National Scenic Act; and H.R. 695, to direct the Secretary of Agriculture and the Secretary of the Interior to convey an administrative site in San Juan County, New Mexico, to San Juan College. Testimony was heard from Representatives Gibbons, Thune, Kildee and Udall of New Mexico; and Ron Stewart, Deputy Chief, Programs and Legislation, Forest Service, USDA.

The Subcommittee also held an oversight hearing on the Role of the National Forests in the Lewis and Clark Bicentennial (Part II). Testimony was heard from Ron Stewart, Deputy Chief, Programs and Legislation, Forest Service, USDA; and a public witness.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

*Committee on Resources:* Subcommittee on National Parks and Public Lands held a hearing on H.R. 1487, National Monument NEPA Compliance Act. Testimony was heard from John Leshy, Solicitor, Department of the Interior.

TRANSPORTATION APPROPRIATIONS

*Committee on Rules:* Testimony was heard from Representatives Wolf, Paul, Barr of Georgia, Sabo and Hinchey, but no action was taken on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.

EPA'S HIGH PRODUCTION CHEMICAL TESTING PROGRAM

*Committee on Science:* Subcommittee on Energy and Environment held a hearing on EPA's High Production Volume (HPV) Chemical Testing Program. Testimony was heard from William Sanders, Director, Office of Pollution Prevention and Toxics, EPA; and public witnesses.

FEDERAL RESEARCH AND SMALL BUSINESS INNOVATION RESEARCH PROGRAM

*Committee on Science:* Subcommittee on Technology held a hearing on Federal Research and Small Business Innovation Research Program. Testimony was heard from Susan D. Kladiva, Associate Director, Energy, Resources and Science Issues, GAO; Timothy Foreman, Deputy Director, Office of Small and Disadvantaged Business Utilization, Department of Defense; Charles W. Wessner, Program Director, Board on Science, Technology, and Economic Policy, National Research Council, National Academy of Sciences; and a public witness.

VETERAN'S LEGISLATION

*Committee on Veterans' Affairs,* Subcommittee on Benefits approved for full Committee action the Veteran's Benefits Improvement Act of 1999.

U.S.-VIETNAM TRADE RELATIONS

*Committee on Ways and Means:* Subcommittee on Trade held a hearing on U.S.-Vietnam Trade Relations. Testimony was heard from Senator Kerry; Representatives Rohrabacher and Blumenauer; Douglas Peterson, U.S. Ambassador to Vietnam; and public witnesses.

## *Joint Meetings*

MONETARY POLICY

*Joint Economic Committee:* Committee concluded hearings on monetary policy and the economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

ELEMENTARY AND SECONDARY EDUCATION ACT

*Joint Meeting:* Senate Committee on Health, Education, Labor, and Pensions held joint hearings with the House Committee on Education and Work Force on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on research and evaluation, receiving testimony from Christopher T. Cross, Council For Basic Education, and Alexandra K. Wigdor, National Academy of Sciences National Research Council, both of Washington, D.C.; Maris A. Vinovskis, University of Michigan Institute for Social Research, Ann Arbor; Edward K. Pedersen, Prince William County Public Schools, Manassas, Virginia; and Ruth Miles, Richmond Public Schools, Richmond, Virginia.

Hearings recessed subject to call.

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## COMMITTEE MEETINGS FOR FRIDAY, JUNE 18, 1999

### Senate

No meetings/hearings scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the* SENATE

9:30 a.m., Friday, June 18

Senate Chamber

Program for Friday: Senate will vote on passage of H.R. 1664, Steel, Oil and Gas Loan Program; following which, Senate will begin consideration of S. 886, State Department Authorization.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday, June 18

House Chamber

Program for Friday: Complete consideration of H.R. 2122, Mandatory Gun Show Background Check Act, (structured rule, one hour of general debate).

## Extensions of Remarks, as inserted in this issue

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